

Extra Ordinary Part - V / 1998

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Separate paging is given to this Part in order that it
 may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette, The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules.—

THE GUJARAT CONTINGENCY FUND (AMENDMENT)
BILL, 1998.

GUJARAT BILL NO. 1 OF 1998.

A BILL

further to amend the Gujarat Contingency Fund Act, 1960.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Contingency Fund (Amendment) Act, 1998.

Short
title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 3rd June, 1997.

Guj. IV
of 1960.

2. In the Gujarat Contingency Fund Act, 1960 (hereinafter referred to as "the principal Act"), in section 2, for the words "fifty crores of rupees", the words "two hundred crores of rupees" shall be substituted.

Amendment of
section 2 of
Guj. IV of
1960.

Guj. Ord.
10 of 1997.

3. (1) The Gujarat Contingency Fund (Amendment) (Third) Ordinance, 1997 is hereby repealed.

Repeal
and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The amount in the Contingency Fund of the State was last increased in August, 1989 to fifty crores of rupees. Thereafter, the amount was required to be temporarily increased on certain occasions to meet with unforeseen expenditure which indicates that the amount in the Contingency Fund was insufficient to meet with the demands made on it from time to time. It was, therefore, considered necessary, to raise the limit of the Contingency Fund from fifty crores of rupees to two hundred crores of rupees.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Contingency Fund (Amendment) Ordinance, 1997 was promulgated on the 3rd June, 1997 to achieve the aforesaid object. Thereafter, the second Ordinance was promulgated on the 23rd September, 1997 to continue the operation of the provisions of the first Ordinance. Since the second Ordinance could not be replaced by an Act of the State Legislature, the Gujarat Contingency Fund (Amendment) (Third) Ordinance, 1997 was promulgated.

This Bill seeks to replace the said third Ordinance by an Act of the State Legislature.

Dated the 12th March, 1998.

KESHUBHAI PATEL

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 12th March, 1998.



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PART V

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(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette, The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules.—

THE GUJARAT CONTINGENCY FUND (TEMPORARY INCREASE) BILL, 1998.

GUJARAT BILL NO. 2 OF 1998.

A BILL

to provide for temporary increase in the Contingency Fund of the State of Gujarat.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Contingency Fund (Temporary Increase) Act, 1998.

Short title and commencement.

(2) It shall be deemed to have come into force on the 21st January, 1998.

Guj. IV
of 1960.

2. Notwithstanding anything contained in section 2 of the Gujarat Contingency Fund Act, 1960, the extent of the sum of two hundred crores of rupees specified in section 2 of the said Act as the sum to be paid into the Contingency Fund of the State of Gujarat shall, during the period beginning from the commencement of this Act and ending on the 31st March, 1998, be raised to three hundred crores of rupees.

Temporary increase in Contingency Fund of the State.

Repeal

3. The Gujarat Contingency Fund (Temporary Increase) Ordinance, 1998 is hereby repealed. Gu. Ord. 2 of 1998.

STATEMENT OF OBJECTS AND REASONS

Section 2 of the Gujarat Contingency Fund Act, 1960, as amended by the Gujarat Contingency Fund (Amendment) (Third) Ordinance, 1997 provides that out of the Consolidated Fund of the State, a sum of two hundred crores of rupees shall be paid into the Contingency Fund of the State.

Subsequent to the raising the limit of the Fund by amendment made in section 2 by the Ordinance, the balance in the Contingency Fund is found insufficient to meet with the requirements of the State on account of—

- (i) Lok Sabha Election,
- (ii) division of districts and talukas, and
- (iii) liability arising out of the implementation of the Fifth Pay Commission's recommendations.

To meet with the aforesaid expenditure, it has become necessary to increase temporarily till the 31st March, 1998, the limit of the said Fund from two hundred crores of rupees to three hundred crores of rupees.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Contingency Fund (Temporary Increase) Ordinance, 1998 was promulgated to achieve the aforesaid object.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 12th March, 1998.

KESHUBHAI PATEL

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 12th March, 1998.



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PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given
 under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT APPROPRIATION (VOTE ON ACCOUNT)

BILL, 1998.

GUJARAT BILL NO. 3 OF 1998.

A BILL

*to authorise withdrawal of certain sums from and out of the
 Consolidated Fund of the State of Gujarat for the services
 of a part of the Financial Year ending on the
 thirty-first day of March, 1999.*

It is hereby enacted in the Forty-ninth Year of the Republic of India as
 follows :—

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act, 1998. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of five thousand two hundred eighty-four crores, six lakhs, twenty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1998-99. Withdrawal of Rs.52,84,06,29,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1998-99.
3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appro- priation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
1.	Agriculture and Co-operation Department	Revenue 1,34,08,000	—	1,34,08,000
2	Agriculture	Revenue 60,90,50,000 Capital 23,33,000	— —	60,90,50,000 23,33,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue 18,42,79,000 Capital 50,20,000	— —	18,42,79,000 50,20,000
4	Animal husbandry and Dairy Development	Revenue 17,15,32,000 Capital 1,33,000	— —	17,15,32,000 1,33,000
5	Co-operation	Revenue 9,96,21,000 Capital 5,40,67,000	— —	9,96,21,000 5,40,67,000
6	Other expenditure pertaining to Agriculture & Co-operation Department	Capital 1,00,55,000	—	1,00,55,000
7	Education Department	Revenue 75,42,000	—	75,42,000
8	Education	Revenue 7,82,73,40,000 Capital 6,32,000	24,09,84,000 —	8,06,83,24,000 6,32,000
9	Other expenditure pertaining to Education Department	Revenue 83,07,000 Capital 10,40,97,000	— —	83,07,000 10,40,97,000
10	Energy and Petro- Chemicals Department	Revenue 28,53,000	—	28,53,000
11	Tax Collection Charges (Energy & Petro-Chem. Department)	Revenue 1,72,20,000	—	1,72,20,000
12	Energy Projects	Revenue 2,26,13,33,000	—	2,26,13,33,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
13	Other expenditure pertaining to Capital Energy & Petro-Chemicals Department	3,82,000	—	3,82,000
14	Finance Department	Revenue 1,62,86,000 Capital 2,53,000	— —	1,62,86,000 2,53,000
15	Tax Collection Charges (Finance Department)	Revenue 16,23,35,000	—	16,23,35,000
16	Treasury & Accounts Administration	Revenue 10,86,25,000	—	10,86,25,000
17	Pension and Other Retirement Benefits	Revenue 2,01,94,57,000	1,34,000	2,01,95,91,000
18	Other expenditure pertaining to Finance Department	Revenue 4,12,98,16,000 Capital 53,82,000	— 34,000	4,12,98,16,000 54,16,000
19	Repayment of debt pertaining to Finance Department and its servicing	Revenue — Capital —	6,59,22,08,000 2,78,70,88,000	6,59,22,08,000 2,78,70,88,000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue 1,75,09,000	—	1,75,09,000
21	Civil Supplies	Revenue 29,90,58,000 Capital 1,000	— —	29,90,58,000 1,000
22	Food	Revenue 3,20,04,000	—	3,20,04,000
23	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital 36,77,000	—	36,77,000
24	Forest and Environment Department	Revenue 38,05,000	—	38,05,000
25	Forest	Revenue 26,80,69,000 Capital 31,31,21,000	— —	26,80,69,000 31,31,21,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
26	Environment Revenue	1,86,67,000	—	1,86,67,000
27	Other expenditure pertaining to Forest and Environment Department Capital	92,57,000	—	92,57,000
28	Governor Revenue	—	55,98,000	55,98,000
29	Council of Ministers Revenue	1,12,25,000	—	1,12,25,000
30	Elections Revenue	2,84,01,000	—	2,84,01,000
31	Public Service Commission Revenue	17,26,000	61,30,000	78,56,000
32	General Administration Department Revenue	5,30,31,000	—	5,30,31,000
33	Economic Advice & Statistics Revenue	2,27,53,000	—	2,27,53,000
34	Other expenditure pertaining to General Administration Department Revenue Capital	34,90,81,000 44,10,000	— —	34,90,81,000 44,10,000
35	State Legislature Revenue	1,99,28,000	1,60,000	2,00,88,000
36	Loans & Advances to Government Servants in Gujarat Legislature Secretariat Capital	4,12,000	—	4,12,000
37	Health and family Welfare Department Revenue	1,16,84,000	—	1,16,84,000
38	Medical and Public Health Revenue	1,70,59,02,000	—	1,70,59,02,000
39	Family Welfare Revenue	32,68,06,000	—	32,68,06,000
40	Other expenditure pertaining to Health and Family Welfare Department Revenue Capital	23,19,51,000 1,42,32,000	— —	23,19,51,000 1,42,32,000

No. of Vote/ Appro- priation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
41	Home Department	Revenue 1,19,89,000	—	1,19,89,000
42	Police	Revenue 1,79,36,14,000	—	1,79,36,14,000
43	Jails	Revenue 7,23,34,000	—	7,23,34,000
44	Transport	Revenue 20,54,37,000	—	20,54,37,000
45	State Excise	Revenue 1,43,46,000	—	1,43,46,000
46	Other expenditure pertaining to Home Department	Revenue 14,63,86,000 Capital 10,55,57,000	66,000 —	14,64,52,000 10,55,57,000
47	Industries & Mines Department	Revenue 63,98,000	—	63,98,000
48	Stationery and Printing	Revenue 12,11,88,000	—	12,11,88,000
49	Industries	Revenue 38,22,10,000 Capital 53,83,000	— —	38,22,10,000 53,83,000
50	Mines and Minerals	Revenue 3,92,93,000	—	3,92,93,000
51	Other expenditure pertaining to Industries and Mines Department	Revenue 1,73,000 Capital 1,36,20,000	— —	1,73,000 1,36,20,000
52	Information, Broadcasting and Tourism Department	Revenue 19,23,000	—	19,23,000
53	Information and Publicity	Revenue 5,67,97,000	—	5,67,97,000
54	Tourism	Revenue 1,39,33,000	—	1,39,33,000
55	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue 1,41,50,000 Capital 5,77,000	— —	1,41,50,000 5,77,000
56	Labour and Employment Department	Revenue 42,23,000	—	42,23,000
57	Labour and Employment	Revenue 23,74,21,000 Capital 10,000	— —	23,74,21,000 10,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
58	Other expenditure pertaining to Labour and Employment Department	Capital	86,53,000	—	86,53,000
59	Legal Department	Revenue	62,18,000	—	62,18,000
60	Administration of Justice	Revenue	24,30,57,000	2,99,74,000	27,30,31,000
61	Other expenditure pertaining to Legal Department	Revenue	1,12,97,000	—	1,12,97,000
		Capital	1,15,33,000	—	1,15,33,000
62	Legislative and Parliamentary Affairs Department	Revenue	39,87,000	—	39,87,000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	2,70,000	—	2,70,000
64	Narmada, Water Resources and Water Supply Department	Revenue	1,15,92,000	—	1,15,92,000
65	Narmada Development Scheme	Capital	4,40,00,77,000	—	4,40,00,77,000
66	Irrigation and Soil Conservation	Revenue	80,71,17,000	—	80,71,17,000
		Capital	95,66,33,000	—	95,66,33,000
67	Water Supply	Revenue	37,74,84,000	—	37,74,84,000
		Capital	1,57,96,67,000	—	1,57,96,67,000
68	Other expenditure pertaining to Narmada Water resources and Water Supply Department	Revenue	33,000	—	33,000
		Capital	9,42,65,000	—	9,42,65,000
69	Panchayat Rural Housing and Rural Development Department	Revenue	78,25,000	—	78,25,000
70	Community Development	Revenue	41,21,98,000	—	41,21,98,000
71	Rural Housing and Development	Revenue	59,61,26,000	33,34,92,000	92,96,18,000
		Capital	83,33,000	—	83,33,000
72	Compensations and Assignments	Revenue	10,73,60,000	—	10,73,60,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
73	Other expenditure pertaining to Pachayats rural Housing and Rural Development Housing Department	Revenue 7,82,46,000 Capital 6,31,42,000	— —	7,82,46,000 6,31,42,000
74	Fisheries	Revenue 7,01,84,000 Capital 4,33,13,000	— —	7,01,84,000 4,33,13,000
75	Other expenditure pertaining to Ports and fisheries Department	Revenue 21,00,000 Capital 8,23,000	— —	21,00,000 8,23,000
76	Revenue Department	Revenue 1,82,86,000	—	1,82,86,000
77	Tax Collection Charges (Revenue Department)	Revenue 14,64,70,000	—	14,64,70,000
78	District Administration	Revenue 17,53,04,000	—	17,53,04,000
79	Relief on Account of Natural Calamities	Revenue 1,05,80,67,000	—	1,05,80,67,000
80	Dang District	Revenue 5,00,11,000	—	5,00,11,000
81	Compensations and Assignments.	Revenue 5,75,67,000 Capital 5,33,000	5,75,000 2,33,000	5,81,42,000 7,66,000
82	Other expenditure pertaining to Revenue Department	Revenue 16,04,000 Capital 1,26,90,000	— —	16,04,000 1,26,90,000
83	Roads and Buildings Department	Revenue 1,20,76,000	—	1,20,76,000
84	Non-Residential Buildings	Revenue 52,85,27,000 Capital 19,51,56,000	1,25,000 —	52,86,52,000 19,51,56,000
85	Residential Buildings	Revenue 20,81,88,000 Capital 6,59,06,000	— —	20,81,88,000 6,59,06,000
86	Roads and Bridges	Revenue 1,14,19,50,000 Capital 26,71,67,000	— —	1,14,19,50,000 26,71,67,000
87	Gujarat Capital Construction Scheme	Revenue 1,99,50,000 Capital 1,91,67,000	— —	1,99,50,000 1,91,67,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
88	Other expenditure pertaining to Roads and Buildings Department	Revenue 3,22,71,000 Capital 2,27,50,000	— —	3,22,71,000 2,27,50,000
89	Social Welfare and Tribal Development Department	Revenue 63,50,000	—	63,50,000
90	Social Security and Welfare	Revenue 42,84,00,000 Capital 75,98,000	15,67,000 —	42,99,67,000 75,98,000
91	Welfare of Scheduled Tribes	Revenue 12,88,85,000 Capital 18,80,000	— —	12,88,85,000 18,80,000
92	Other expenditure pertaining to Social Welfare and Tribal Development Department	Capital 40,35,000	—	40,35,000
93	Special Component Plan for Schedule Castes	Revenue 62,39,20,000 Capital 3,32,97,000	— —	62,39,20,000 3,32,97,000
94	Tribal Area Sub Plan	Revenue 1,61,22,20,000 Capital 53,74,84,000	— —	1,61,22,20,000 53,74,84,000
95	Urban Development and Urban Housing Department	Revenue 44,83,000	—	44,83,000
96	Urban Housing	Revenue 35,33,000	9,26,33,000	9,61,66,000
97	Urban Development	Revenue 27,26,60,000 Capital 75,00,000	— —	27,26,60,000 75,00,000
98	Compensations, Assignments and Tax Collection Charges	Revenue 14,17,67,000	10,00,34,000	24,18,01,000
99	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue 50,14,000 Capital 4,85,000	— —	50,14,000 4,85,000
100	Sports, Youth and Cultural Activities Department	Revenue 21,45,000	—	21,45,000
101	Youth Services and Cultural Activities	Revenue 7,70,08,000	—	7,70,08,000
102	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital 7,27,000	—	7,27,000
Total :		Revenue 33,65,38,99,000 Capital 8,99,56,95,000	7,40,36,80,000 2,78,73,55,000	41,05,75,79,000 11,78,30,50,000
Grand Total :		42,64,95,94,000	10,19,10,35,000	52,84,06,29,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (2) of the article 206 of the Constitution of India, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the expenditure charged on the Consolidated Fund of the State of Gujarat, and the Grants made in advance by the Legislative Assembly in respect of the estimated expenditure for a part of the financial year ending on the 31st March, 1999.

The amounts are shown below :—

Rs.

(a) Revenue Expenditure	41,05,75,79,000
(b) Capital Expenditure	11,78,30,50,000
Total	52,84,06,29,000

Date the 25th March, 1998.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 25th March, 1998.



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PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given
 under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

**THE GUJARAT (SUPPLEMENTARY) APPROPRIATION
 BILL, 1998.**

GUJARAT BILL NO. 4 OF 1998.

A BILL

*to authorise payment and appropriation of certain further sums from
 and out of the Consolidated Fund of the State of Gujarat for the
 services of the financial year ending on the
 thirty-first day of March, 1998.*

It is hereby enacted in the Forty-ninth Year of the Republic of India as
 follows :—

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 1998.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there
 shall be paid and applied sums not exceeding those specified in column 3 of
 the Schedule hereto annexed amounting in the aggregate to the sum of two
 thousand two hundred eighty-eight crores, fourteen lakhs, fifty-five thousand
 rupees towards defraying the several charges which will come in course of
 payment during the financial year ending on the thirty first day of March,
 1998, in respect of the services and purposes specified in column 2 of the
 Schedule.

Issue of
 Rs.22,88,14,55,000
 from and out of the
 Consolidated Fund
 of the State of
 Gujarat for the
 financial year
 1997-98.

3. The sums authorised to be paid and applied from and out of the
 Consolidated Fund of the State of Gujarat by this Act shall be appropriated
 for the services and purposes expressed in the Schedule in relation to the said
 year.

Appropriation

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
1	Agriculture and Co-operation Department	Revenue 1,84,000	—	1,84,000
2	Agriculture	Revenue 2,000	57,79,000	57,81,000
		Capital 10,65,00,000	—	10,65,00,000
3	Minor Irrigation, Soil Conservation and Area Development	Capital 3,08,000	—	3,08,000
4	Animal Husbandry and Dairy Development	Revenue 6,85,08,000	—	6,85,08,000
		Capital 10,39,50,000	—	10,39,50,000
5	Co-operation	Revenue 1,75,12,000	—	1,75,12,000
		Capital 10,26,86,000	—	10,26,86,000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Capital 1,59,44,000	—	1,59,44,000
7	Education Department	Revenue 27,80,000	—	27,80,000
8	Education	Revenue 46,47,07,000	1,32,73,000	47,79,80,000
9	Other expenditure pertaining to Education Department	Revenue 83,59,000	—	83,59,000
		Capital 2,00,57,000	—	2,00,57,000
10	Energy and Petro- Chemicals Department	Revenue 6,20,000	—	6,20,000
12	Energy Projects	Revenue 763,05,12,000	16,000	763,05,28,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
13	Other expenditure pertaining to Energy & Petro-Chemicals Department	Revenue 6,00,000	—	6,00,000
14	Finance Department	Revenue 56,95,000 Capital 60,000	— —	56,95,000 60,000
15	Tax Collection Charges (Finance Department)	Revenue 4,72,67,000	—	4,72,67,000
16	Treasury & Accounts Administration	Revenue 1,99,63,000	—	1,99,63,000
17	Pension and other Retirement Benefits	Revenue 137,07,00,000	—	137,07,00,000
18	Other expenditure pertaining to Finance Department	Capital 263,20,47,000	1,33,70,000	264,54,17,000
19	Repayment of debt pertaining to Finance Department and its servicing	Revenue — Capital —	53,04,04,000 8,03,12,000	53,04,04,000 8,03,12,000
20	Food, Civil Supplies and Consumers Affairs Department	Revenue 37,50,000	—	37,50,000
21	Civil Supplies	Revenue 2,000 Capital 3,50,00,000	— —	2,000 3,50,00,000
22	Food	Revenue 67,25,000	—	67,25,000
23	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital 5,67,000	—	5,67,000
24	Forest and Environment Department	Revenue 15,80,000	—	15,80,000
25	Forests	Revenue 5,80,29,000 Capital 50,00,000	16,59,000 —	5,96,88,000 50,00,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
28	Governor Revenue	—	89,43,000	89,43,000
29	Council of Ministers Revenue	22,00,000	—	22,00,000
30	Elections Revenue	46,30,00,000	—	46,30,00,000
31	Public Service Commission Revenue	—	18,74,000	18,74,000
32	General Administration Department Revenue	1,87,66,000	1,000	1,87,67,000
33	Economic Advice & Statistics Revenue	86,00,000	—	86,00,000
34	Other expenditure pertaining to General Administration Department Revenue	8,92,75,000	72,000	8,93,47,000
	Capital	5,89,000	—	5,89,000
35	State Legislature Revenue	2,75,000	50,000	3,25,000
36	Loans & Advances to Government Servants in Gujarat Legislature Secretariat Capital	1,08,000	—	1,08,000
37	Health and Family Welfare Department Revenue	13,85,000	—	13,85,000
38	Medical and Public Health Revenue	28,66,95,000	1,03,000	28,67,98,000
39	Family Welfare Revenue	6,31,00,000	2,07,000	6,33,07,000
40	Water Supply and Sanitation Revenue	56,71,95,000	—	56,71,95,000
	Capital	1,000	—	1,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue — Capital 1,54,08,000	21,000 —	21,000 1,54,08,000
42	Home Department	Revenue 92,12,000	11,000	92,23,000
43	Police	Revenue 89,02,54,000	5,80,000	89,08,34,000
44	Jails	Revenue 3,09,88,000	—	3,09,88,000
45	Transport	Revenue 3,81,36,000	—	3,81,36,000
46	Other expenditure pertaining to Home Department	Revenue 9,28,62,000 Capital 61,00,000	— —	9,28,62,000 61,00,000
47	Industries & Mines Department	Revenue 22,80,000	—	22,80,000
48	Stationery and Printing	Revenue 1,16,62,000	—	1,16,62,000
49	Industries	Revenue 5,52,33,000 Capital 2,50,00,000	4,62,000 —	5,56,95,000 2,50,00,000
50	Mines and Minerals	Revenue 50,30,000	—	50,30,000
51	Other expenditure pertaining to Industries and Mines Department	Revenue — Capital 80,70,000	2,57,000 —	2,57,000 80,70,000
52	Information, Broadcasting and Tourism Department	Revenue 5,78,000	—	5,78,000
54	Tourism	Revenue 49,51,000	—	49,51,000
55	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue 42,05,000 Capital 3,50,000	— —	42,05,000 3,50,000
56	Labour and Employment Department	Revenue 35,29,000	—	35,29,000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
57	Labour and Employment	Revenue	3,04,18,000	—	3,04,18,000
58	Other expenditure pertaining to Labour and Employment Department	Capital	41,44,000	—	41,44,000
59	Legal Department	Revenue	7,55,000	—	7,55,000
		Capital	15,00,000	—	15,00,000
60	Administration of Justice	Revenue	2,77,54,000	2,000	2,77,56,000
61	Other expenditure pertaining to Legal Department	Capital	49,45,000	—	49,45,000
62	Legislative and Parliamentary Affairs Department	Revenue	18,63,000	—	18,63,000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	1,07,000	—	1,07,000
64	Narmada, Water Resources and Water Supply Department	Revenue	72,25,000	—	72,25,000
65	Narmada Development Scheme	Capital	77,00,00,000	—	77,00,00,000
66	Irrigation and Soil Conservation	Revenue	16,25,82,000	7,19,000	16,33,01,000
		Capital	15,60,00,000	6,38,06,000	21,98,06,000
67	Other expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	1,15,000	10,08,67,000	10,09,82,000
		Capital	74,43,000	—	74,43,000
68	Panchayats, Rural Housing and Rural Development Department	Revenue	61,89,000	—	61,89,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		*	3	
69	Community Development	Revenue	82,13,52,000	1,35,000	82,14,87,000
70	Rural Housing	Revenue	5,80,000	3,38,10,000	3,43,90,000
71	Compensation and Assignments	Revenue	5,67,83,000	—	5,67,83,000
72	Other expenditure pertaining to Pachayats Rural Housing and Rural Development Department	Revenue	5,02,63,000	—	5,02,63,000
		Capital	3,19,15,000	—	3,19,15,000
73	Fisheries	Revenue	1,12,43,000	2,13,000	1,14,56,000
		Capital	20,00,000	—	20,00,000
74	Other expenditure pertaining to Ports and Fisheries Department	Revenue	6,25,000	—	6,25,000
		Capital	5,74,000	—	5,74,000
75	Revenue Department	Revenue	10,20,49,000	—	10,20,49,000
76	Tax Collection Charges (Revenue Department)	Revenue	1,14,99,000	—	1,14,99,000
77	District Administration	Revenue	10,68,98,000	—	10,68,98,000
78	Relief on Account of Natural calamities	Revenue	236,88,04,000	—	236,88,04,000
		Capital	4,00,92,000	—	4,00,92,000
80	Compensation and Assignments	Revenue	4,97,08,000	24,60,000	5,21,68,000
		Capital	—	13,91,000	13,91,000
81	Other expenditure pertaining to Revenue Department	Revenue	23,24,000	—	23,24,000
		Capital	35,17,000	—	35,17,000
82	Roads and Buildings Department	Revenue	34,20,000	—	34,20,000
83	Non-Residential Buildings	Revenue	10,41,35,000	10,16,000	10,51,51,000
		Capital	9,000	—	9,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
84	Residential Buildings	Revenue	2,10,000	28,000	2,38,000
85	Roads and Bridges	Revenue	21,79,25,000	58,69,000	22,37,94,000
		Capital	22,23,21,000	29,02,000	22,52,23,000
86	Gujarat Capital Construction Scheme	Revenue	84,10,000	—	84,10,000
		Capital	12,50,000	2,69,000	15,19,000
87	Other expenditure pertaining to Roads and Buildings Department	Revenue	55,00,000	1,92,06,000	2,47,06,000
		Capital	95,70,000	—	95,70,000
88	Social Welfare and Tribal Development Department	Revenue	10,90,000	—	10,90,000
89	State Excise	Revenue	37,60,000	—	37,60,000
90	Social Security and Welfare	Revenue	23,45,89,000	71,56,000	24,17,45,000
		Capital	91,10,000	—	91,10,000
91	Welfare of Scheduled Tribes	Revenue	29,50,000	—	29,50,000
92	Other expenditure pertaining to Social Welfare and Tribal Development Department	Capital	8,94,000	—	8,94,000
94	Tribal Area Sub Plan	Revenue	2,16,64,000	—	2,16,64,000
		Capital	9,73,90,000	24,82,000	9,98,72,000
95	Urban Development and Urban Housing Department	Revenue	10,45,000	—	10,45,000
96	Urban Housing	Revenue	7,00,00,000	2,47,97,000	9,47,97,000
97	Urban Development	Revenue	50,15,68,000	—	50,15,68,000
		Capital	4,94,89,000	—	4,94,89,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
98	Compensations, Assignments and Tax Collection Charges	Revenue 7,50,00,000	—	7,50,00,000
99	Other expenditure pertaining to Urban Development and Urban Housing Department	Capital 1,56,000	—	1,56,000
100	Sports, Youth and Cultural Activities Department	Revenue 23,38,000	—	23,38,000
101	Youth Services and Cultural Activities	Revenue 3,71,23,000	—	3,71,23,000
102	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital 1,00,000	—	1,00,000
Total :		Revenue 1746,66,62,000	75,99,90,000	1822,66,52,000
		Capital 449,02,71,000	16,45,32,000	465,48,03,000
Grand Total :		2195,69,33,000	92,45,22,000	2288,14,55,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 1998.

The amounts are shown below :—

Rs.

(a) Revenue Expenditure	1822,66,52,000
(b) Capital Expenditure	465,48,03,000
Total	<u>2288,14,55,000</u>

Date the 26th March, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 26th March, 1998.



The Gujarat Government Gazette
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Separate paging is given to this Part in order that it
 may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette, The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under
 the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT PANCHAYATS (AMENDMENT) BILL, 1998.

GUJARAT BILL NO. 5 OF 1998.

A BILL

further to amend the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Forty-ninth Year of the Republic of India as
 follows :—

Short title and
 commencement.

1. (1) This Act may be called the Gujarat Panchayats (Amendment)
 Act, 1998.

(2) It shall be deemed to have come into force on the 20th December,
 1997.

Insertion of
 sections
 278A and
 278AA in
 Guj. 18 of
 1993.

2. In the Gujarat Panchayats Act, 1993, (hereinafter referred to as "the
 principal Act"), after section 278, the following sections shall be inserted,
 namely:—

Guj. 18
 of 1993.

Application
of Act to
Scheduled
Areas of
State.

"278A. This Act shall apply to the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, subject to the modifications specified in Schedule IV.

Amendment
of certain
Acts in their
application to
Scheduled
Areas of
State.

278AA. The enactments specified in Schedule V shall, in their application to the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, be amended to the extent specified in column 3 of the said Schedule."

Insertion of
new
Schedules IV
and V in Gaj.
18 of 1993.

3. —In the principal Act, after Schedule III, the following Schedules shall be added, namely:—

"SCHEDULE IV

(See section 278A)

(Modifications subject to which this Act applies to the Scheduled Areas of the State.)

1. In section 2, after clause (19), the following clause shall be inserted, namely:—

"(19A) "Scheduled Areas" means the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India ;".

2. For section 4, the following section shall be substituted, namely :—

Gram Sabha.

"4. (1) There shall be a *gram sabha* for a village for performing such functions as are provided by or under this Act.

(2) The *gram sabha* shall consist of persons whose names are included in the list of voters of electoral divisions of that village.

(3) The *gram sabha* shall perform the following additional functions, namely:—

(a) The *gram sabha* shall endeavour to safeguard and preserve the traditions and customs of the inhabitants of the village, their cultural identity, community resources and the customary mode of dispute resolution.

(b) The *gram sabha* shall—

(i) approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the village panchayat;

(ii) be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes in the village."

3. In section 7, to sub-section (1), the following proviso shall be added, namely:—

"Provided that while making a recommendation in respect of a local area in the Scheduled Areas it shall be ensured that the local area shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with the traditions and customs."

4. In section 9, in sub-section (5), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

"(ia) In the case of a village panchayat, the whole local area of which comprises of any of the Scheduled Areas, the number of seats reserved for the Scheduled Tribes under sub-clause (i) shall be increased to such number as is not less than one-half of the total number of seats in the village panchayat."

5. In section 10, in sub-section (5), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

"(ia) In the case of a taluka panchayat, the whole local area of which comprises of any of the Scheduled Areas, the number of seats reserved for the Scheduled Tribes under clause (i) shall be increased to such number as is not less than one-half of the total number of seats in the taluka panchayat."

6. In section 11, in sub-section (5), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

"(ia) In the case of a district panchayat, the whole local area of which comprises of any of the Scheduled Areas, the number of seats reserved for the Scheduled Tribes under clause (i) shall be increased to such number as is not less than one half of the total number of seats in the district panchayat."

7. After section 11, the following section shall be inserted, namely:—

"11A. If for any reason an election does not result in the return of any member of Scheduled Tribes in a taluka panchayat or district panchayat, then the State Government may nominate from amongst members belonging to Scheduled Tribes who are qualified to be elected, such number of members as not to exceed one-tenth of the total members to be elected in that panchayat."

Nomination of
members
of
Scheduled
Tribes.

8. In section 51, in sub-section (2),—

(1) for clause (a), the following shall be substituted, namely:—

"(a) All offices of sarpanch of village panchayats in the State shall be reserved by the State Government for the Scheduled Tribes."

Explanation.—For the purposes of this clause, "village panchayat" means the village panchayat, the whole local area of which comprises of the Scheduled Areas."

(2) in clause (b),—

(a) in sub-clause (i), the word "and" shall be deleted;

(b) sub-clause (ii) shall be deleted.

9. In section 63, in sub-section (2),—

(i) for clause (a), the following shall be substituted, namely:—

"(a) All offices of the President of the taluka panchayats in the State shall be reserved by the State Government for the Scheduled Tribes.

Explanation.—For the purposes of this clause, "taluka panchayat" means the taluka panchayat, the whole local area of which comprises of the Scheduled Areas."

(2) in clause (b),—

(a) in sub-clause (i), the word "and" shall be deleted;

(b) sub-clause (ii) shall be deleted.

10. In section 77, in sub-section (2),—

(1) for clause (a), the following shall be substituted, namely:—

"(a) All offices of the President of the district panchayats in the State shall be reserved by the State Government for the Scheduled Tribes.

Explanation.—For the purposes of this clause, "district panchayat" means the district panchayat, the whole local area of which comprises of the Scheduled Areas."

(2) in clause (b),—

(a) in sub-clause (i), the word "and" shall be deleted;

(b) sub-clause (ii) shall be deleted.

11. In section 108, after sub-section (4), the following sub-section shall be added, namely:—

"(5) (a) For the purposes of this Act, there shall be vested in the village panchayat minor forest produce found (except found in the areas of National Parks or Sanctuaries) in such area of a forest as is situate in the jurisdiction of that village.

(b) The sale proceeds of the minor forest produce shall be paid into and form part of the village fund.

(c) Nothing in clause (a) shall be construed as vesting in the village panchayat the land in the area of forest referred to in clause (a) and trees and plantations thereon.

Explanation.—For the purposes of this sub-section the expression "minor forest produce" shall have the same meaning as assigned to it in clause (9) of section 2 of the Gujarat Minor Forest Produce Trade Nationalisation Act, 1979.

Guj. 7
of 1979.

12. In section 112, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The village panchayat shall obtain from the *gram sabha* a certificate of utilization of funds by that panchayat for the plans, programmes and projects referred to in sub-clause (i) of clause (b) of sub-section (3) of section 4."

13. After section 132, the following section shall be added, namely:—

"132A. The taluka panchayat shall be consulted,—

Taluka
Panchayat to
be consulted
before
acquisition
of land and
rehabilitation
of persons
affected.

(a) before acquiring under the Land Acquisition Act, 1894 or 1894, any land situate in the taluka for any development project;

(b) before resettling or rehabilitating persons affected by such project."

14. In Schedule I,—

(1) in entry 1, after sub-entry (i), the following sub-entry shall be inserted, namely:—

"(ia) enforcing prohibition and regulating or restricting the sale and consumption of intoxicants;";

(2) in entry 7, after sub-entry (k), the following sub-entry shall be inserted, namely:—

"(k-i) planning and management of water bodies;";

(3) after entry 10, the following entry shall be added, namely:—

"11. In the sphere of social sectors—

the power to exercise control over institutions and functionaries in all social sectors."

15. In Schedule II, in Part I, in entry 5, after sub-entry (d), the following sub-entry shall be added, namely:—

"(e) control over local plans and resources for such plans including tribal sub-plans."

SCHEDULE V
Acts amended.
(See section 278AA)

Serial No. 1	Short Title 2	Extent of amendment 3
1.	The Bombay Land Revenue Code, 1879. (Bom. V of 1879.)	In section 73AA,— (1) in sub-sections (1) and (2), for the words "the Collector", the words "the District Panchayat" shall be substituted; (2) in sub-section (3), in clause (a),— (a) for the words "occupancy to another tribal", the words "occupancy to any person" shall be substituted; (b) for the words "the Collector", occurring at two places, the words "the District Panchayat" shall be substituted; (3) in sub-section (4), in clause(a), the words, brackets and figure "of sub-section (1) of this section, or" shall be deleted; (4) in the <i>Explanation</i> , before clause (i), the following clause shall be inserted, namely:— "(ia) "district panchayat" means a district panchayat of a district comprising of any Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, in which the occupancy of the tribal exists;"
2.	The Bombay Money-Lenders Act, 1946. (Bom. XXXI of 1946.)	After section 17, the following shall be inserted, namely:— "17A. No money lender shall lend any money to a member of the Scheduled Tribe residing in a Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, without previous sanction of the village panchayat of that village."
	Previous sanction of village panchayat before lending money to member of Scheduled Tribe.	

Repeal and savings.

4. (1) The Gujarat Panchayats (Amendment) Ordinance, 1998 is hereby ^{Guj. Ord. 3 of 1998.} repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Panchayats Act, 1993 was enacted so as to bring the law relating to the panchayats in the State in conformity with Part IX of the Constitution of India relating to the panchayats. By virtue of section 3 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of the said Part IX relating to panchayats are extended to the Scheduled Areas subject to the exceptions and modifications provided in section 4 of the said Central Act. In the State, there are certain areas which are declared by the President under paragraph 6 of the Fifth Schedule to the Constitution as the Scheduled Areas. Section 5 of the Central Act provides for continuation of the provisions of the State Act relating to Panchayats till 23rd December, 1997, although they may have become inconsistent with the provisions of the said Part IX as extended to the Scheduled Areas. It was, therefore, considered necessary to bring the Gujarat Panchayats Act, 1993 in conformity with the provisions of the said Part IX as extended to the Scheduled Areas.

Section 4 of the Central Act also requires the State Legislature to endow panchayats at the appropriate level and gram sabha with powers in respect of certain matters falling under other laws. It was, therefore, considered necessary to endow panchayats with powers in respect of those matters. Accordingly, relevant provisions of the Bombay Land Revenue Code, 1879 and the Bombay Money-lenders Act, 1946 are also amended.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Panchayats (Amendment) Ordinance, 1997 was promulgated on the 20th December, 1997 to amend the Gujarat Panchayats Act, 1993 accordingly and other aforesaid Acts to achieve the aforesaid object. The said Ordinance could not be replaced by an Act of the State Legislature and therefore the Gujarat Panchayats (Gujarat Amendment) Ordinance, 1998 was promulgated on the 27th April, 1998 to continue the operation of the first Ordinance.

The following notes on clauses explain the important provisions of the Bill, namely :—

Clause 2.—This clause seeks to insert new sections 278A and 278AA. Section 278A seeks to apply the Act to the Scheduled Areas of the State subject to the modifications specified in Schedule IV and section 278AA seeks to amend the enactments specified in Schedule V to the extent specified in column 3 of the said Schedule.

Clause 3.—This clause seeks to insert new Schedules IV and V. Schedule IV contains modifications to the provisions of the Act subject to which the Act applies to the Scheduled Areas of the State. The modifications are explained hereunder.—

1. Paragraph 1 in the said Schedule IV seeks to insert a new clause (19A) in section 2 so as to define the expression "Scheduled Areas".

2. In pursuance of clauses (c), (d) and (e) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (hereinafter

to as "the Central Act"), paragraph 2 seeks to substitute section 4 so as to provide for the constitution of the *gram sabha* consisting of persons whose names are included in the list of voters of electoral divisions of the village and its additional functions.

3. In view of clause (b) of section 4 of the Central Act, paragraph 3 seeks to add a proviso to sub-section (1) of section 7 so as to ensure that the local area which is recommended for being specified as a village consisting of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with the traditions and customs.

4. In pursuance of the first proviso to clause (g) of section 4 of the Central Act, paragraphs 4, 5 and 6 seek to amend sections 9, 10 and 11 so as to provide that the number of seats reserved for the Scheduled Tribes shall be increased to such number as is not less than one half of the total number of seats in the village panchayat, taluka panchayat and the district panchayat respectively, the whole local area of which comprises of the Scheduled Areas.

5. In pursuance of clause (h) of section 4 of the Central Act, paragraph 7 seeks to insert a new section 11A empowering the State Government to nominate from amongst the members belonging to the Scheduled Tribes who are qualified to be elected, such number of members as not to exceed one tenth of the total members to be elected in a taluka panchayat or a district panchayat, if for any reason, any member of the Scheduled Tribes is not elected.

6. In view of the second proviso to clause (g) of section 4 of the Central Act, paragraphs 8, 9 and 10 seek to amend sections 51, 63 and 77 so as to require the State Government to reserve for the Scheduled Tribes all offices of the Chairpersons of village panchayats, taluka panchayats and district panchayats respectively, the whole local area of which comprises of the Scheduled Areas.

7. In view of sub-clause (ii) of clause (m) of the said section 4 of the Central Act, paragraph 11 seeks to insert a new sub-section (5) in section 108, so as to vest the ownership of the minor forest produce in the village panchayat.

8. In pursuance of clause (f) of the said section 4 of the Central Act, paragraph 12 seeks to insert a new sub-section (1A) in section 112 so as to require the village panchayat to obtain from the *gram sabha*, a certificate of utilization of funds by that panchayat for the plans, programmes and projects.

9. In view of the provisions of clause (i) of the said section 4 of the Central Act, paragraph 13 seeks to insert a new section 132A requiring a taluka panchayat to be consulted before acquiring under the Land Acquisition Act, 1894 any land situate in the taluka for any development projects and before resettling or rehabilitating persons affected by such projects.

10. In view of clause (j) and sub-clauses (i) and (vi) of clause (m) of the said section 4 of the Central Act, paragraph 14 seeks to amend Schedule I so as to impose duty on the village panchayat to make provision,—

(i) enforcing prohibition and regulating or restricting the sale and consumption of intoxicants,

(ii) planning and management of water bodies, and

(iii) conferring power to exercise control over institutions and functionaries in all social sectors.

11. In view of clause (vii) of clause (m) of the said section 4 of the Central Act, paragraph 15 seeks to amend Schedule II, Part-I so as to impose duty on the taluka panchayat to make provision for controlling over local plans and resources for such plans including tribal sub-plans.

12. In pursuance of sub-clause (iii) of clause (m) of the said section 4 of the Central Act, Schedule V proposed to amend section 73AA of the Bombay Land Revenue Code, 1879 restricting the transfer of an occupancy of a person belonging to the Scheduled Tribes to any person without previous sanction of the District Panchayat. Such provision relates to that District which is comprised of any Scheduled Areas of the State and in which the occupancy of the tribal exists.

In pursuance of sub-clause (v) of clause (m) of the said section 4 of the Central Act, it is proposed to insert section 17A in the Bombay Money Lenders Act, 1946 restricting the money lender to lend any money to the member of the Scheduled Tribe residing in a Scheduled Areas of the State without previous sanction of the village panchayat.

It is proposed to replace the said Ordinance by an Act of the State Legislature.

This Bill seeks to achieve the aforesaid objects.

Dated the 12th June, 1998.

DILIPBHAI MANIBHAI PATEL

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 12th June, 1998.



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PART V

Bill Introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:—

THE GUJARAT STATE GUARANTEES (AMENDMENT) BILL, 1998.

GUJARAT BILL NO. 6 OF 1998.

A BILL

further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Gujarat State Guarantees (Amendment) Act, 1998.

Short
title.

Guj. XXII of 1963. 2. In the Gujarat State Guarantees Act, 1963, in section 2, in sub-section (1), for the letters and figures "Rs. 80,00,00,00,000", the letters and figures "Rs. 110,00,00,00,000" shall be substituted.

Amend-
ment of
section 2
of Guj.
XXII
of 1963.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 2 of the Gujarat State Guarantees Act, 1963 fixes Rs. 80,00,00,00,000 to be the limit upto which the State may give guarantees. With a view to meeting with increasing demands made in this behalf on the State in the wake of expansion of agricultural, power and industrial activities in the State, it is considered necessary to raise the limit upto Rs. 110,00,00,00,000. This Bill provides accordingly.

Dated the 12th June, 1998.

VAJUBHAI VALA,

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat.
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 12th June, 1998.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 2nd July, 1998 by Shri NARESH RAVAL, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No. 7 of 1998.

THE NORTH GUJARAT UNDERGROUND WATER RECHARGE AUTHORITY

BILL, 1998

A BILL

to provide for establishment of an authority to make special provision and to undertake special programmes for increasing underground water-level of the North Gujarat areas of the State and for matters and purposes connected therewith.

It is hereby enacted in the Forty-ninth year of the Republic of India as follows :—

1. (1) This Act may be called the North Gujarat Underground Water Recharge Authority Act, 1998.

(2) It extends to the areas of the North Gujarat comprising the districts of Mehsana, Sabarkantha and Banaskantha and such other adjacent areas as may be specified by the State Government.

(3) It shall come into force at once.

2. In this act, unless the context otherwise requires :—

(a) "Authority" means the North Gujarat Underground Water Recharge Authority established by the State Government under section 3 of this Act;

Short title, extent and commencement.

Definitions.

(b) "North Gujarat" means the areas comprising of the districts of Mehsana, Sabarkantha and Banaskantha and such other adjacent areas as may be specified by the State Government.

(c) "prescribed" means prescribed by rules made under this Act.

(d) "State Government" means the Government of the State of Gujarat.

(e) "underground water" means water below the ground level which is drawn for the domestic, agriculture or for any other purposes.

Establishment of the North Gujarat Under Ground Water Recharge Authority.

3. (1) The State Government, with effect from such date as may be notified in the Official Gazette, shall establish an Authority for increasing the underground water level of North Gujarat.

(2) The Authority established under sub-section (1) shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its name and shall be competent to acquire and hold property both movable and immovable and to contract and do all things necessary for the purposes of this Act.

(3) For the purposes of this Act, the Authority established under sub-section (1) shall be deemed to be a Local Authority.

Constitution and term of office of the Authority

4. (1) The Authority shall consist of the Chairman and five other members as may be appointed by the State Government :

Provided that the Chairman and members shall be persons having adequate technical knowledge and experience in the matter :

Provided further that out of the five members to be appointed by the State Government.—

(i) One member shall be the President or a Member of the District Panchayat from amongst the District Panchayats of the North Gujarat area, having technical knowledge and aptitude;

(ii) One member shall be M.L.A. from the North Gujarat area;

(iii) One member shall be from the College of Engineering attached to the North Gujarat University.

(2) The term of office of the Chairman and the members of the Authority shall be three years from the date of their appointment :

Provided that the President or a member of the District Panchayats and the member of Legislative Assembly shall cease to be Members of the Authority as soon as they cease to be Members of the respective Bodies.

(3) The salaries, other allowances, conditions of service and other matters concerning the chairman and the members of the Authority shall be such as may be prescribed by the State Government by a notification published in the Official Gazette.

Functions of the Authority.

5. (1) For the purposes of this Act, the Authority shall programme and implement the schemes for the recharge of underground water of the North Gujarat. The schemes shall be prepared by the Authority using the latest available technology and shall have proven result in the field of recharge of underground water.

(2) For the purposes of undertaking the schemes and subject to the rules and regulations made under this Act, the Authority shall have a right to enter or use any land of the North Gujarat specified under this Act.

(3) The detailed rules for undertaking the work of the scheme shall be framed by the Authority and shall come into force after it is approved by the State Government.

6. (1) The State Government shall provide necessary fund to the Authority for carrying out its activities.

Funds and
accounts
of the
Authority.

(2) The Authority shall have power to borrow money or raise funds through a suitable financial instrument from public or any institution recognised by the State Government or Central Government and shall have also power to accept donations.

(3) The Authority shall deposit the fund or money received by it with the State of India or any other Bank approved by the State Government and the Bank account shall be operated by such persons of the Authority as may be authorised by it.

(4) The accounts of the Authority shall be maintained in such form as may be prescribed by the State Government.

7. The Authority shall prepare a report at the end of each year which shall consist of its programmes, the activities undertaken and the accounts of the Authority. The report shall be submitted to the State Government and shall be laid on the Table of the State Legislature.

Annual
Report.

8. (1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication make rules for carrying out the purposes of this Act.

Power to
make
rules.

(2) Rules made under this section shall be laid before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make in the session in which they are so laid.

(3) Any modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

9. The authority may, from time to time with the previous sanction of the State Government, make regulations consistent with the provisions of this Act and the rules made thereunder for carrying out its day to day business.

Regula-
tions.

STATEMENT OF OBJECTS AND REASONS

In the areas of North Gujarat, the rivers are not perennial and, therefore, it is not possible to provide canal irrigation. In absence of canal irrigation, the agriculture has to rely on the underground water and for this reason day by day the number of tube-wells are being increased. It is therefore obviously seen that the underground water level is going down day by day. It is also apprehended that in some areas of North Gujarat, the quantum of underground water is going to be exhausted in a couple of ensuing years. The potable water is also not provided for the purpose of drinking and the people of this area have to rely on the available underground water which consist of fluoride and other dissolved impurities which in turn cause serious health hazards. No systematic programme has been under taken by the State Government for the re-charge of the underground water. With a view to overcome this serious problem it is suggested to establish the North Gujarat Underground Water Recharge Authority which will look after this problem and undertake the schemes.

Hence this Bill,

Dated the 20th April, 1998.

NARESH RAVAL

M.L.A.

FINANCIAL MEMORANDUM

Sub-clause (3) of Clause 4 provides for salaries and other allowances to the Chairman and members of the Authority and clause 6 of the Bill provides for necessary fund for carrying out the activities of the Authority. This Bill if enacted, and brought in to operation, would involve recurring expenditure of approximately Rs. 2 crores from the Consolidated Fund of the state.

Dated the 20th April, 1998.

NARESH RAVAL,

M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (2) of clause 1 empowers the State Government to specify areas other than the areas comprising the districts of Mehsana, Sabarkantha and Banaskantha.

Sub-clause (1) of clause 3 empowers the State Government to appoint an authority to be called "The North Gujarat Under Ground Water Recharge Authority" and to appoint a date on which it shall be effective.

Sub-clause (1) of clause 4 empowers the State Government to appoint the Authority, the Chairman and five other members.

Sub-clause (3) of clause 4 empowers the State Government to prescribe the salaries, other allowances, conditions of service and other matters concerning the Chairman and the members of the Authority.

Sub-clause (2) of clause 5 empowers the State Government to make rules and regulations subject to which the Authority shall have right to enter or use any land of the North Gujarat Area.

Sub-clause (3) of clause 5 empowers the State Government to approve the detailed rules framed by the Authority for undertaking the works of the scheme.

Sub-clause (3) of clause 6 empowers the State Government to approve any Bank, other than State Bank of India, in which the Authority shall deposit the fund or money received by it.

Sub-clause (4) of the clause 6 empowers the State Government to prescribe a form, in which the accounts of the Authority shall be maintained.

Sub-clause (1) of the clause 8 empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is essential and of normal character.

Dated the 20th April, 1998.

NARESH RAVAL,
M.L.A.

Gandhinagar,

Dated the 2nd July, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislature Secretariat.

V-Ex.-7-2



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PART V

Bills introduced in the Gujarat Legislative Assembly.

1998 by Shri NARESH RAVAL, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.8 of 1998.

THE GUJARAT PREVENTION OF CONTEMPT OF THE PEOPLE (BY PUBLIC SERVANT) BILL, 1998.

ABILL

to provide for the protection of the people from insult and disrespect shown by public servant against them and for assuring dignity of the individual.

It is hereby enacted in the Forty-Ninth Year of the Republic of India as follows;

1. (1) This Act may be called the Gujarat Prevention of Contempt of the People (By Public Servant) Act, 1998. Short title, extent and commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires — Definitions.

(1) The words "contempt of the people" denotes an act or an omission by public servant falling under any of the description hereinafter following, namely: —

(a) wandering or remaining absent from the place of duty in order to avoid work during duty hours.

(b) reading newspapers, magazines or other books or hearing radio which is not a part of his duty during the duty hours at one's duty place.

(c) sitting or behaving in disorderly manner at one's place of duty during duty hours.

(d) not replying properly and politely to any person coming for official work or for inquiry.

(e) not replying properly and to the point to any written application made by any person.

(f) insulting or disrespecting any person by using abusive or offensive language.

(g) asking for or accepting anything from any person which is not necessary for one's duty or job assigned to a public servant.

(h) furnishing false information to any person.

(i) omitting to render or furnish assistance to any person.

(j) disobedience of any law, rule, order or direction issued by the State Government.

(2) "public servant" means every person :

(a) in the service or pay of the State Government or remunerated by fees or commission for the performance of any public duty by the State Government.

(b) in the service or pay of a local authority or a corporation established under a Central or State Act or a Government company as defined in section 617 of the Companies Act, 1956, excepting 'Judges' as defined in the Indian Penal Code.

1 of 1956
45 of 1960.

Punishment
for
Contempt.

3. Any Public servant who commits contempt of the people shall be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both :

Provided that the public servant may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Judge.

Jurisdiction.

4. Any person who feels or comes to know that any public servant has committed contempt of the people may apply to the Civil Judge within whose jurisdiction the alleged contempt has been committed with supporting affidavits of himself and of witnesses, if any, and with all or any documentary evidence available with him :

Provided that application referred to in this section may be presented personally or may be sent by post.

Show-
cause
Notice.

5. The Civil Judge will give or send by post receipt of the application within three days to the applicant and issue a show cause notice to the public servant concerned within eight days.

6. A public servant who receives a show cause notice from the Civil Judge will send his reply with affidavit of himself and of witnesses, if any, and with all or any documentary evidence available with him for his or her defence within ten days from the receipt of the show cause notice.

Public
Servant
to reply
affidavit.

7. After receiving reply from the public servant if the Civil Judge thinks it necessary to call the applicant and the public servant for personal hearing, he will fix a date for the same and intimate about it to the applicant and the public servant concerned and after hearing the both, pass a necessary order under section 3 or dismiss the application.

Hearing
and
Disposal.

8. The order of the Civil Judge shall be final, subject to any modifications alteration or correction made by the High Court in revision either on application of any party or suo moto.

Revision
by High
Court.

9. No court shall have jurisdiction to question the legality of any action taken or any decision given by the civil Judge under this Act in connection with the contempt of the people by public servant and no suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Protection
for the
acts done
in good
faith.

10. Nothing in this act shall be deemed to prohibit or restrict any action for which the public servant is liable under any other law or rules for the time being in force.

No prohibition
for action
under other
law.

11. (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the state Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

The constitution of India recognises dignity of the individual in the preamble but during these fifty years of independence, people feel by experience that instead of peoples' rules, public servants at many a times are openly disrespecting and insulting common people in the State and behaving many a times in such a way that people at large have been losing confidence in public administration and hence for the protection of the people from insult and disrespect by public servants and for assuring dignity of the individual some easy and quasi-judicial summary remedies are necessary.

This Bill seeks to achieve the above objects.

Gandhinagar,

Dated the 20th April, 1998.

NARESHRAVAL,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is essential and of normal character.

Gandhinagar,

Dated the 20th April, 1998.

NARESHRAVAL,
M.L.A.

GANDHINAGAR.

DATED THE 2nd JULY, 1998.

K. M. PANCHAL,
Secretary,

Gujarat Legislature Secretariat.



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PART V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 2nd July, 1998 by Shri NARESH RAVAL, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.9 of 1998,

THE GUJARAT PROHIBITION OF ACCEPTING DONATIONS FOR ADMISSION TO EDUCATIONAL INSTITUTIONS BILL, 1998.

A BILL

to provide for prohibition of accepting donations or premium for giving admission to students in any educational institution in the State.

WHEREAS, it is expedient to provide for prohibition of accepting donations or premium for giving admission to students in educational institutions in the State.

It is hereby enacted in the Forty-Ninth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Prohibition of Accepting Donations For Admission to Educational Institutions Act, 1998.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Prohibition
of accepting
donations for
granting
admission to
Educational
Institutions.

2. (1) No person shall without the permission of the State Government, either by himself or through any other person accept any donation or premium or interest-free loan or any amount in cash or kind by way of consideration for granting admission to students to any class, standard or any course in any educational institution recognised by any local body or the State Government or any University in the State.

(2) Contravention of the provisions contained in sub-section (1) shall constitute a cognizable and non-compoundable offence and the person concerned shall, on conviction, be punishable with imprisonment for not less than 3 years and with fine which shall not be less than the amount of donation or premium and in the case of a gift in kind, the value thereof.

STATEMENT OF OBJECTS AND REASONS.

There is a growing tendency in the Educational Institutions in the State to demand donations or premium in the nature of capitation fee or interest free loan for giving admission to students in such institutions. The capitation fee that is demanded now-a-days for admission ranges from Rs. 1000 for admission to schools to Rs. 50,000 or more for admission to Engineering and Medical Colleges. As a result of this, poor students whose parents are incapable of paying such exorbitant capitation fee are unable to get admission to the institutions even though they are otherwise eligible on merit to get admission. It is, therefore, considered necessary to prohibit acceptance of such capitation fee and to make such acceptance a cognizable and non-compoundable offence.

The Bill seeks to achieve the above object.

Dated the 20th April, 1998.

NARESH RAVAL,
M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of Legislative power :-

Clause 1(3).-This clause provides that the Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

The aforesaid delegation is of a normal character.

Dated the 20th April, 1998.

NERESH RAVAL,
M. L. A.

GANDHINAGAR.

DATED THE 2nd JULY, 1998.

K. M. PANCHAL,
Secretary,

Gujarat Legislature Secretariat.



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PART V

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The following bill which was introduced on the 2nd July, 1998 by Shri NARESH RAVAL, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.10 of 1998.

**THE GUJARAT COMPULSORY CENSORSHIP OF
 PUBLICITY MATERIALS BILL, 1998.**

A BILL

*to provide for compulsory censorship of publicity materials in the
 State of Gujarat.*

It is hereby enacted in the Forty Ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Compulsory Censorship of Publicity Materials Act, 1998.

Short title,
 extent and
 commence-
 ment.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force in such areas and on such dates as the State Government may, by notification, in the *Official Gazette* appoint and different dates may be appointed for different areas.

Definitions.

2. In this Act, unless the context otherwise requires,--

(a) 'Board' means the Gujarat Board of Censorship constituted under section 4;

(b) 'Certificate of Censorship' means a Certificate of Censorship in respect of publicity material granted under section 7;

(c) 'Chairman' means the Chairman of the Board;

(d) 'Government' means the State Government;

(e) 'Member' means a member of the Board;

(f) 'objectionable publicity material' means any publicity material--

(i) which is obscene; or

(ii) which is likely to—

(A) incite any person to commit any offence involving violence; or

(B) offend against decency or morality; or

(C) promote on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony, feelings of enmity or hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities.

Explanation I.—A publicity material shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or where it comprises two or more distinct items the effect of any one of its items, is, if taken as a whole, such as to tend to deprive and corrupt persons who are likely, having regard to all relevant circumstances, to read or see the matter contained or embodied in it, or if it portrays, exhibits or shows a picture, drawing, painting or figure of a female human being of any age in such posture which is offensive to senses or which is likely to suggest any indecent or impure or immoral ideas in the minds of persons who are likely to read or see the matter contained or embodied in it.

Explanation II.—A publicity material shall not be deemed to be objectionable merely if it —

(1) expresses disapprobation or criticism of any law or any policy or administrative action of the Government with a view to obtain its alternation or redress by lawful means; or

(2) criticises any social or religious practice without malicious intention and with an honest view to promote social or religious reforms or social justice;

(g) 'place open to public view' includes any private place or building, moonumen, statue, post, wall, fence, tree or other thing or contrivance visible to a person being in, or passing along, any public place;

(h) 'public place' means any place (including a road, street, or way, whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass;

(i) 'publicity material' means any material which is produced in India or in any country outside India for giving publicity or anything other than publicity material relating to a cinematography film and includes--

(i) hoarding, showcard, insert, press design and enlargement;

(ii) poster;

(iii) still photo;

(iv) slide;

(v) still for publication in newspapers and periodicals; and

(vi) such other material as may be prescribed.

3. (1) No person shall affix to or exhibit on, any place open to public view any publicity material without a Certificate of Censorship. Exhibition of publicity material.

(2) Every publicity material exhibited shall bear in such manner as may be prescribed, the number and date of Certificate of Censorship granted in respect of such publicity material.

4. (1) For the purpose of granting Certificate of Censorship in respect of publicity, material, the Government may, by notification in the *Official Gazette* constitute a Board to be called the Gujarat Board of Censorship which shall consist of a Chairman and not more than five other members appointed by the Government. Board of Censorship.

(2) The Censor Officer appointed under sub-section (1) of section 5 shall be the Member-Secretary to the Board.

(3) The Chairman and the members shall hold office for such term as may be prescribed.

(4) The Chairman shall receive such remuneration as may be determined by the Government and the members, other than the Censor Officer, shall receive such allowances or fees for attending meetings of the Board as may be prescribed.

(5) The meetings of the Board shall be held at such place and time and in such manner as may be prescribed.

(6) No person shall be eligible for appointment as Chairman or Member of the Board unless he has completed the age of thirty- five years.

5. (1) For carrying out the purposes of this Act, the Government shall appoint a Censor Officer and may also appoint such number of Assistant Censor Officers, Inspectors and other Officers and staff as the Government may think fit to assist the Censor Officer. Censor Officer and other staff.

(2) The Censor Officer, the Assistant Censor Officers and Inspectors may inspect any place and may call for any document relating to any publicity material from any person responsible for the exhibition of such publicity material.

(3) The Censor Officer, Assistant Censor Officers and Inspectors shall exercise such powers and perform such other functions as may be prescribed.

Application
for Certificate
of Censorship.

6. (1) If any person wants to exhibit in any place open to public view any publicity material, he shall make an application to the Board in such form as may be prescribed, for a Certificate of Censorship and shall submit such material alongwith the application in such manner as may be prescribed.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed.

Grant of
Certificate
of Censorship.

7. (1) The Censor Officer shall examine the publicity material submitted under section 6 and place the publicity material together with the recommendations if any, before the Board for its consideration.

(2) The Board shall, within a period of two weeks, after examining the publicity material and the recommendations of the Censor Officer in the prescribed manner,—

(i) grant a certificate of publicity materials censorship in such form and in such manner as may be prescribed; or

(ii) direct the applicant to carry out such alterations or modifications in the publicity materials as it thinks necessary before sanctioning the publicity materials for public exhibition; or

(iii) refuse to grant a certificate, of publicity materials censorship, for public exhibition.

(3) No action under clause (ii) and clause (iii) of sub-section (2) shall be taken by the Board except after giving an opportunity to the applicant, for representing his views in the matter.

(4) Every Certificate of Censorship shall be signed by the Censor Officer or, in his absence, by such Assistant Censor Officer as may be empowered in this behalf by the Board and the publicity material shall then be returned to the person who submitted it.

Appeal.

8. (1) Any person aggrieved by any decision of the Board may, within thirty days from the date of receipt of such decision, make an appeal to such authority as the Government may prescribe and such authority may, after such inquiry as it considers necessary and after giving the appellant an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit.

(2) The Order of the authority referred to in sub-section (1) shall be final.

Penalty.

9. (1) Whoever affixes to, or exhibits, on any place open to public view any objectionable publicity material shall be punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to three thousand rupees, or with both.

(2) Whoever allixes to or exhibits on, any place open to public view any publicity material in respect of which a Certificate of Censorship has not been granted by the Board under section 7, or which does not bear in the manner prescribed the number and date of the Certificate of Censorship, shall be punished with imprisonment of either description which may extend to three years or with fine which may extend to three thousand rupees or with both and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues.

(3) If any person is convicted of an offence punishable under sub-section (1) or sub-section (2), the convicting court may further direct that the publicity material in respect of which the offence has been committed be forfeited to the Government.

10. Whoever in any manner whatsoever, causes, procures, counsels, aids, abets or is necessary to the commission of any offence under sub-section (1) or sub-section (2) of section 9 shall be punished with the punishment provided for the offence. Punishment of abettor.

11. No Act or proceeding of the board shall be deemed to be invalid by reason only of vacancy in, or any defect in the constitution of the Board. Validation.

12. (1) Subject to such conditions as may be prescribed, the prescribed authority by a general or special order in this behalf may, either before or after the institution of proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence, a sum of money not exceeding two thousand rupees. Power to compound offence.

(2) On payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

13. It shall be lawful for any police officer not below the rank of an officer in-charge of a police station to seize— Power of seize.

(a) any objectionable publicity materials; or

(b) any publicity material—

(i) in respect of which no Certificate of Censorship has been obtained under this Act, or

(ii) which does not bear the number and date of the certificate of censorship, and such police officer shall forthwith report the seizure to the Magistrate having jurisdiction and where the publicity material seized is such that it cannot be conveniently transported to the court, he may give custody thereof to any person on his executing a bond undertaking to produce the publicity material before the court as and when required and to give effect to the further orders of the court as to the disposal of the same.

14. The Chairman and the members of the board, shall when acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Chairman and Members to be public servants.

Bar to legal
proceeding.

15. No suit or other legal proceeding shall lie against the Chairman, members and the officers and staff appointed under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

Offence by
companies.

16. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section :—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

Power to
make rules.

17. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for—

(a) all matters expressly required or allowed by this Act, to be prescribed;

(b) the term of office of the Chairman and the members.

(c) the remuneration payable to the Chairman ;

(d) the allowances or fees payable to the members;

(e) the place and time at which and the manner in which the meetings of the Board shall be held;

(f) the powers and functions of the Censor Officer, Assistant Censor Officers and Inspectors;

(g) the form of application for a Certificate of Censorship;

(h) the manner of submitting publicity materials;

- (i) the fee to be paid for Certificate of Censorships;
- (j) the form and the manner in which the Certificate of Censorship shall be granted;
- (k) the authority to whom appeal shall be preferred under sub-section (1) of section 8; and
- (l) the authority to compound the offence under section 12.

(3) In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with a fine which may extend to five hundred rupees.

(4) (a) All rules made under this Act, shall be published in the *Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act, shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made or notification issued under this Act, shall as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before, the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or the Assembly decides that the rule or notification should not be made or issued, the rule or notification shall there after have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

18. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart, from this Act, be instituted against him. Saving.

STATEMENT OF OBJECTS AND REASONS

It has come to the notice that quite a number of publicity materials like posters (other than cinematograph publicity) materials which are likely to incite persons to commit offences involving violence or offend against decency or morality or promote hatred on grounds of religion, race, etc., among regional groups, caste or communities are on the increase.

2. With a view to curb effectively such provocative publicity materials, it is necessary to enact a legislation, to provide for the pre-censorship of the publicity materials other than publicity materials relating to cinematograph films.

3. Hence the Bill.

Dated the 20th. April, 1998.

NARESH RAVAL,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2(i), 3(2), 4, 5(3), 6, 7(2), 8(1), 9(2), 12(1) and 17 of the Bill authorise the Government to prescribe the manner and method of giving effect to certain provisions of the proposed bill by making suitable Rules thereunder.

2. The powers delegated are normal and not of an exceptional character.

Dated the 20th April, 1998.

NARESH RAVAL,
M.L. A.

FINANCIAL MEMORANDUM

The provisions of clause 4 and 5 of the Bill would involve expenditure from the Consolidated Fund of the State. The estimated expenditure will be of about 5 lakhs rupees every year and it would be recurring in nature.

Dated the 20th April, 1998.

NARESH RAVAL,
M.L.A.

GANDHINAGAR.

DATED THE 2nd JULY, 1998.

K. M. PANCHAL,

Secretary,

Gujarat Legislature Secretariat.

V-EX 10-3



The Gujarat Government Gazette
EXTRAORDINARY
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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 2nd July, 1998 by Shri NARESH RAVAL, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 11 OF 1998.

**THE GUJARAT MAINTENANCE OF PARENTS AND
DEPENDANTS BILL, 1998.**

A BILL

*to provide for the maintenance of parents, wives and children and
for matters connected therewith.*

It is hereby enacted in the Forty-Ninth year of the Republic of India, as follows:—

1: (1) This Act may be called the Gujarat Maintenance of Parents and Dependants Act, 1998.

Short title
and commence-
ment

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this act, Unless the context otherwise requires, —

Definitions.

(a) "appellate authority" means an officer, not below the rank of a District Collector, authorised by the State Government to hear the appeals under section 16 of this Act;

(b) "applicant" includes a person in whose favour a maintenance order has been made under the provisions of this Act;

(c) "approved person or organisation" means a person or an organisation that has been approved under section 20 by the State Government in writing for the purposes of this act;

(d) "child" includes an illegitimate, adopted and step child;

(e) "dependant" includes—

(i) Parents and grand parents, so long as they are unable to maintain themselves or unable to obtain maintenance in the case of grand parents from their sons and daughters;

(ii) wife, so long as she does not remarry;

(iii) son or the son of pre-deceased son, so long as he is minor; provided and to the extent that he is unable to obtain maintenance, in the case of grand-son from his father's or mother's estate;

(iv) unmarried daughter or unmarried daughter of the pre-deceased son, so long as she remains unmarried; provided and to the extent that she is unable to obtain maintenance in case of a grand daughter from her father's and mother's estate;

(v) widowed daughter; provided that and to the extent that she is unable to obtain maintenance—

(a) from the estate of her husband;

(b) from her son or daughter, if any, or his or her estate; or

(c) from her father-in-law or her grand father or the estate of either of them;

(vi) any widow of the son or of the son of the pre-deceased son, so long as she does not remarry; provided and to the extent that she is unable to obtain maintenance from the estate of her husband or from her son or daughter; if any, or his or her estate; or in the case of a grandson's widow, also from her father-in-law's estate;

(vii) minor illegitimate son, so long as he remains a minor;

(viii) illegitimate daughter, so long as she remains unmarried;

(f) "District Collector" means the Collector of the District appointed by the Government of Gujarat;

(g) "Maintenance Officer" means the Maintenance Officer for the maintenance of Parents and Dependents appointed under section 12;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "property" means property of any kind, whether movable or immovable, tangible or intangible; and includes any rights or interest in such property;

(j) "respondent" includes a person against whom a maintenance order has been made under the provisions of this Act;

(k) "Tribunal" means the Tribunal for the Maintenance of Parents and Dependents established under Section 13.

3. (1) Any person, who is unable to maintain himself and is resident of the State of Gujarat; may apply to the Tribunal for an order;

Application for maintenance orders.

(i) in case of a parent or grand parent of or above 60 years of age, that one or more of his children or grand children;

(ii) in case of wife, that her husband;

(iii) in case of minor son or unmarried daughter, that his or her father and where father is dead his or her mother;

(iv) in case of dependent (other than a parent, grand parent, wife minor son or unmarried daughter) if such dependent has not obtained, by testamentary or intestate succession, any share in an estate of his ancestor, that the persons who take the share;

pay him a monthly allowance or any other periodical payment or a lumpsum for his maintenance.

(2) An approved person or organisation in whose care a parent, wife, child or dependent resides may apply to the Tribunal for an order that the respondent pay the approved person or organisation a monthly allowance or any other periodical payment or a lumpsum for the purposes of defraying the costs and expenses of maintaining that parent, wife, child or a dependent, as the case may be.

(3) Where a parent, wife, child or dependent ceases to be in the care of the approved person or organisation any part of the monthly allowance, other periodical payment or lumpsum remaining, after deducting the reasonable cost and expenses of maintaining such parent, wife, child and the dependent shall be held in trust for such parent, wife, child and the dependent, as the case may be.

(4) Notwithstanding that a person is below the minimum age specified in sub-section (1), this Act shall apply to that person if the Tribunal is satisfied that he is suffering from infirmity of mind or body which prevents him from maintaining or makes it difficult for him to maintain himself or that there is any other special reason.

Explanation.—For the purposes of this section, a parent shall be deemed to maintain himself if his total or expected income and other financial resources are inadequate to provide him with basic amenities and basic physical needs including (but not limited to) shelter, food and clothing.

Joinder of respondents.

4. A respondent may serve notice in the prescribed form on other persons liable to maintain the applicant joining them as respondents in the action.

Maintenance Order.

5. (1) The Tribunal may make a maintenance order if it considers that it is just and equitable that the respondent should maintain the applicant and that—

(a) the respondent is able to provide maintenance to the applicant after his own requirements and of his spouse and his children have been supplied; and

(b) the applicant is unable, inspite of efforts on his part, to maintain himself through work or from his property or from any other source.

(2) When ordering maintenance for the benefit of wife, child or aged or infirm parents, the Tribunal shall have regard to all the circumstances of the case including (but not limited to) the following matters:—

(a) the financial needs of the applicant, taking into account reasonable expenses for housing and medical costs;

(b) the income, earning capacity, property and other financial resources of the applicant and the manner in which an applicant has spent his savings or dissipated his financial resources;

(c) any physical or mental disability of the applicant;

(d) the income, earning capacity, property and other financial resources of the respondent;

(e) the expenses incurred by the respondent in supporting his spouse or children;

(f) the contributions and provisions, whether financial or otherwise which the respondent has made for the maintenance of the applicant;

(g) if the applicant is living separately, whether the applicant is justified in doing so.

(3) When ordering maintenance, if any for the benefit of a dependant (other than wife, minor son, unmarried daughter and parents) regard shall be had to

(a) the net value of the estate of the deceased after providing for the payment of debts;

(b) the provisions, if any, made under a will of the deceased in respect of the dependent;

(c) the degree of relationship between the two;

(d) the reasonable wants of the dependent;

(e) the past relations between the dependent and the deceased;

(f) the value of the property of the dependent and any income derived from the property or from his or her earnings or from any other source;

(g) the number of dependents entitled to maintenance under this Act.

(4) Where there is more than one respondent the Tribunal may apportion the maintenance among the various respondents in such manner as may be just.

(5) The Tribunal shall, before hearing an application under this section, refer the differences between the parties to a conciliation officer for mediation between the parties.

6. (1) A maintenance order may provide for the payment of lumpsum, or a monthly allowance or periodical payment for such period as the Tribunal may determine.

Power of
Tribunal to
order security
for main-
tenance.

(2) The Tribunal may, in its discretion, when awarding maintenance, order the respondent to secure the whole or any part of it by vesting any property in trustees upon trust to pay the maintenance or part thereof out of the income from that property.

(3) The Tribunal may, in awarding maintenance, order the applicant to-

(a) deposit such minimum sum as the Tribunal may determine with a bank or

(b) purchase an annuity with an insurer with such minimum sum.

(4) The Tribunal may, in awarding maintenance, give directions as to the manner or method of payment.

7. (1) Except where an order for maintenance is expressed to be for any shorter period or where any such order has been rescinded, a maintenance order shall expire—

Duration of
orders for
maintenance.

(a) if the maintenance was unsecured, on the death of the applicant or the respondent, whichever is the earlier;

(b) if the maintenance was secured, on the death of the applicant.

(2) Where a maintenance order was made against more than one respondent, the death of a respondent does not affect the liability of the others to continue paying maintenance to the applicant. The applicant may apply to the Tribunal to re-apportion the liability among the surviving respondents.

Power of
Tribunal to
vary orders for
maintenance.

8. (1) The Tribunal may vary or rescind any subsisting order for maintenance, whether secured or unsecured, where it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances of the applicant or respondents or where another person is joined as a respondent.

(2) An application for variation of a maintenance order may be made by—

(a) the applicant;

(b) a respondent;

(c) the Maintenance Officer;

(d) an approved person or organisation referred to in section 3(2); or

(e) in respect of secured maintenance, the legal personal representative of a respondent.

(3) Where a maintenance order was made against more than one respondent or another respondent is joined, the Tribunal may re-apportion the maintenance upon an application to vary the maintenance order in such manner as it considers just.

Maintenance
payable under
order of
Tribunal to be
in alienable.

9. Maintenance payable to any person under this Act shall not be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Enforcement of
maintenance
orders

10. (1) A maintenance order made under this Act, shall have the same force and affect as an order passed under Chapter IX of the Code of Criminal Procedure, 1973, and shall be executed in the manner prescribed for the execution of such order by the code. 2 of 1974.

(2) An order for maintenance may be executed either by the Tribunal which passed it or by other Tribunal or ordinary Court to which it is sent for execution.

(3) In addition to the mode of execution of orders referred to in sub-sections (1) and (2), a maintenance order passed against a person, who is in receipt of salary from any State or Central Government, or from a local authority or from a Corporation engaged in any trade or industry which is established by a Central or State Government, or from a Government Company as defined in section 617 of the Companies act, 1956, may be executed by way of attachment of salary payable to him. 1 of 1956.

(4) Where the salary is attached under sub-section (3), the Tribunal, whether the person liable to pay the amount of maintenance, or the employer or the officer disbursing the salary is or is not within the local limits of the Tribunal's jurisdiction, may order that the salary not exceeding 1/3 shall be withheld from such salary by monthly instalments as the Tribunal may direct and upon notice of the order such employer or the disbursing officer, shall remit to the Tribunal the amount of the monthly instalments.

(5) Where the attachable portion of such salary is already being withheld and remitted to a Court or a Tribunal in pursuance of a previous and unsatisfied order of attachment, the employer or the disbursing officer shall forthwith return the

(4) Where a person ceases to be the Presiding Officer of the Tribunal, the State Government shall, as soon as is reasonably practicable, take steps to fill the vacancy but the existence of any vacancy in the tribunal shall not invalidate the acts of the tribunal.

(5) If the Presiding officer of the tribunal is for the time being unable to perform the duties of his office either generally or in relation to any particular proceedings, the State Government may appoint some other person to discharge the duties of the Presiding officer for any period, not exceeding six months at one time or as the case may be, in relation to those proceedings; and a person so appointed shall, during that period or in relation to those proceedings, have the same powers as the person in whose place he is appointed.

(6) The Presiding Officer of the tribunal when and so long as he is serving on the Tribunal shall be deemed to be a public servant within the meaning of the Indian Penal Code and the proceedings of the Tribunal shall be deemed to be judicial proceedings. 45 of 1860.

Tribunal to hear
and determine
claims.

14. (1) The Tribunal shall have jurisdiction to hear and determine in accordance with this Act all applications made under this Act.

(2) The Tribunal shall decide every application made to it expeditiously as possible and ordinarily every application shall be decided within a period of six months reckoned from the date on which such application has been made.

(3) Sittings of the Tribunal shall be held at such places and times as the Presiding officer of the Tribunal may determine.

(4) Any interested party may be represented before the Tribunal—

(a) by an agent acting without fee, gain, reward or any expectation thereof, in any case in which the tribunal may, at the request of that party and for good reason, permit;

(b) by the Maintenance Officer;

(c) by an approved person or organisation through any of its employees or office holders.

(5) No party to any proceedings before the tribunal may be represented by an Advocate.

(6) Every summons and notice issued under the hand of the Presiding Officer of the tribunal to any person shall be served on that person—

(a) by delivering the summons to the person or to some adult member of his family at his last known place of residence;

(b) by leaving the summons at his usual or last known place of residence or business in an envelope addressed to the person;

(c) by sending the summons by registered post addressed to the person at his usual or last known place of residence or business; or

(d) where the person is a body of persons or a company—

subsequent order to the Tribunal issuing it with a full statement of all the particulars of the existing attachment.

(6) Every order made under sub-section (3) unless it is returned in accordance with the provisions of sub-section (5), shall without further notice or other process, bind the employer and the employer shall be liable for the sum paid in contravention of the provisions of sub-section (3), (4) and (5) of this section.

11. Where an applicant is unable to make an application under this Act (whether by reason of physical or mental infirmity or for any other reason), such application may be made on his behalf by—

Applications on behalf of incapacitated applicants.

(a) any member of his family;

(b) any person in whose care he resides; or

(c) any other person whom the applicant has authorised to make such application.

12. (1) The State Government may appoint a Maintenance Officer for the maintenance of Parents and Dependants on such terms and conditions as the State Government may determine.

Appointment of Maintenance Officer.

(2) The Maintenance officer may make an application under this Act on behalf of an applicant of or above 60 years of age or a minor child (whether or not the applicant is able to do so) or represent such applicant in any proceedings or appeal under this Act.

(3) The Maintenance Officer may consult, or direct any of his officers to consult, with the parties concerned in order to assist them to reach agreement by conciliation.

(4) Notwithstanding that a person is below the minimum age specified in sub-section (2), the Maintenance Officer may, in his discretion, make an application on his behalf or represent him if the Maintenance officer is satisfied that he is suffering from infirmity of mind or body which prevents him from maintaining or makes it difficult for him to maintain himself or if there is any other special reason.

13. (1) For the purpose of exercising the jurisdiction and powers conferred on a tribunal for Maintenance of Parents and Dependants by this Act, Government shall, as soon as may be after the commencement of this Act, establish, in every district, as many Tribunals for Maintenance of Parents and Dependants and at such places, as the State Government may by notification specify.

Establishment of Tribunal for Maintenance of Parents and Dependants.

(2) The Presiding Officers of such Tribunal, who shall not be a lower in rank of the Deputy Collector or Mamlatdar shall be appointed by the State Government.

(3) The Presiding Officer of the tribunal shall vacate his office where—

(a) he resigns; or

(b) Where he has been appointed by virtue of holding any office, he ceases to hold that office;

(i) by delivering the summons to the Secretary or other like officer of the body of persons or company at its registered office or principal place of business; or

(ii) by sending the summons by registered post addressed to the body of persons or company at its registered office or principal place of business.

(7) Any summons or notice sent by registered post to any person in accordance with sub-section (6) shall be deemed to be duly served on the person to whom the letter is addressed at the time when the letter would in the ordinary course of post be delivered and in proving service of the summons, it shall be sufficient to prove that the envelope containing the summons was properly addressed, stamped and posted by registered post.

(8) The Tribunal shall have the following powers :—

(a) to dismiss frivolous or vexatious claims at a preliminary stage on the basis of the affidavits and other documentary evidence;

(b) to summon any person to appear before a Conciliation Officer for the purpose of mediation;

(c) to summon any person whom it may consider able to give evidence to attend at the hearing of an application;

(d) to examine such person as a witness either on oath or otherwise and to require such person to produce such records, documents or articles as the Tribunal may think necessary for the purposes of the proceedings;

(e) to allow any person, attending the proceedings any reasonable expenses necessarily incurred by him in so attending to be paid by such party as the Tribunal may determine;

(f) to make an order by consent of the parties; and

(g) all the powers of a Magistrate with regard to the enforcement of attendance of witnesses and hearing evidence on oath.

(9) Every person examined as a witness by or before the Tribunal whether on oath or otherwise, shall be legally bound to state the truth and to produce such records, documents or articles as the Tribunal may require.

(10) The Tribunal may receive as evidence any report, statement, document, information or a matter that may, in its opinion, assist it to deal effectively with a dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872.

(11) In proceedings before the Tribunal it shall not be necessary to record the evidence of witnesses at length, but the Tribunal, as the examination of each witness proceeds, shall record or cause to be recorded, a memorandum of the substance of what a witness deposes, and such memorandum shall be signed by the witness and the Presiding Officer of the Tribunal and shall form part of the record.

(12) The evidence of any person where such evidence is of a formal character, may be given by affidavit and may, subject to all just exception, be read in evidence in any proceeding before the Tribunal.

(13) The Tribunal may, if it thinks fit, and shall on the application of any of the parties to the proceedings summon and examine any such person as to the facts contained in his affidavit.

Appellate Authority may call for proceedings of the Tribunal. 15. (1) The Appellate Authority either on its own motion or on the application within 14 days of any party aggrieved by a decision of the Tribunal on the ground that it is wrong in law, may call for the proceedings and the grounds of the award and give such order thereon, either by directing a fresh hearing or otherwise, as seems necessary to secure that substantial justice is done.

(2) The powers of revision conferred under this section shall not question the decision of the Tribunal as to the quantum of maintenance awarded or apportioned under this Act.

Appeals.

16. (1) Except as provided in this section and section 15, the decision of the Tribunal shall be final.

(2) The applicant, the Maintenance Officer on behalf of the applicant, a respondent, an approved person or organisation, or any affected party may appeal to the Appellate authority appointed by the State Government in this behalf from the decision of the Tribunal upon any question of law or of mixed law and fact except in any case where the Tribunal has made the order with the consent of the parties unless it is alleged that the consent was obtained by means of fraud, duress, threat or misrepresentation.

(3) The Appellate Authority shall decide every appeal preferred to it as expeditiously as possible and ordinarily every appeal shall be decided within a period of three months reckoned from the date on which such appeal is preferred.

(4) The procedure governing such appeals under sub-sections (2) and (3) shall be the same as that for appeals from decisions of the District Court to the High Court.

(5) The Appellate Authority shall have jurisdiction to hear and determine any such appeal and may confirm, vary or annul the decision of the Tribunal on appeal and make such further or other order on such appeal, whether as to costs or otherwise, as the Appellate Authority may consider fit.

(6) There shall be no further right to appeal from decisions of the Appellate Authority.

Costs.

17. The Costs of :—

- (a) an application under this Act shall be in the discretion of the Tribunal;
- (b) an appeal shall be in the discretion of the Appellate Authority hearing the appeal.

Effect of transfer of property on right of maintenance.

18. (1) Where any person, who, after the commencement of this Act, has transferred, by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferer and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of the property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferer be void.

(2) Where any person has a right to receive maintenance out of an estate and such estate or part thereof is transferred, the right to receive maintenance may be enforced against the transfer if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

Approved
persons or
organisations.

19. The State Government may approve —

- (a) institutions or organisations engaged in social welfare or the representatives thereof;
- (b) persons professionally engaged in promoting the welfare of the family;
- (c) persons working in the field of social welfare; and
- (d) any other persons;

whose association with a Tribunal would enable it to exercise its jurisdiction more effectively in accordance with the purpose of this Act.

Provisions not
to be
derogatory to
certain laws.

20. The provisions of this Act shall be in addition to and not in derogation of the provisions of Chapter IX (relating to the order of maintenance of Wife, children and parents) of the Code of Criminal Procedure, 1973 and the provisions of any law for the time being in force in respect of a suit or proceeding for maintenance.

Power to
make rules.

21. (1) The State Government may, subject to the condition of previous publication in the Official Gazette make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) regulating and prescribing the procedure to be followed for applications and the conduct of proceedings under this Act;

(b) regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given including but not limited to affidavits;

(c) the manner in which frivolous or vexatious claims may be dismissed at a preliminary stage on the basis of the affidavits and other documentary evidence;

(d) the discovery of documents and other evidence and public records;

(e) the manner and method of payment of maintenance awarded under this Act;

(f) the costs of any proceedings under this Act; and

(g) the manner in which, the purposes for which and conditions subject to which, institutions, organisations and other persons may be approved for providing assistance to the Tribunal.

(3) Every rule made under this section by the State Government shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session, for a total period of fourteen days which may be comprised in one

session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, the Assembly agrees in making any modifications in the rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our society the maintenance of aged parents has been a matter of great concern and of personal obligation arising from the existence of the relationship and quite independent of the possession of any property, ancestral or acquired. Our ancient seers held this obligation on the higher pedestal by declaring that "the aged mother and father, the chaste wife and infant child must be maintained even by doing a hundred misdeeds." Recently the fathers of our Constitution, through Directive Principles of the State policy, contained in article 38 and 41, together with other provisions, have wisely laid down the main objective, namely, the building of a welfare State and egalitarian social order by making effective provisions for securing public assistance in case of old age, sickness and disablement and in other cases of undeserved want.

In the developing age of science and technology our old virtues are giving way to materialistic and separatistic tendencies. Younger generation is neglecting their wives, children and aged and infirm parents, who are now being left beggared and destituted on the scarpheap of society and thereby driven to a life of vagrancy, immorality and crime for their subsistence. Thus it has become necessary to provide compassionate and speedy remedy to ameliorate the difficulties being faced by the neglected wives, children, aged and infirm parents.

This Bill seeks to achieve the aforesaid objectives.

Gandhinagar,
Dated the 20th April, 1998.

NARESH RAVAL,
M.L.A.

FINANCIAL MEMORANDUM

Clause 12 and 13 of the Bill seeks to provide for the appointment of the Maintenance Officer and Tribunal for the Maintenance of Parents and Dependants. Since the existing Government machinery is intended to be utilized for the implementation of the proposed provision, there will be no additional expenditure on the establishment. Tentatively speaking, the provisions contained in the Bill when enacted will involve approximately extra recurring expenditure out of the State exchequer to the tune of rupees 5 lakhs per annum.

Gandhinagar,
Dated the 20th April, 1998.

NARESH RAVAL,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (2) of Clause (1) empowers the State Government to appoint, by notification in the Official Gazette, the date on which the Act shall come into force.

Clause 12 of the Bill empowers the State Government to appoint Maintenance Officer and to determine the terms and Conditions for their appointments.

Clause 13 of the Bill empowers the State Government to establish in every district at such places and as many Tribunals for Maintenance of Parents and Dependents as the State Government may specify by notification.

Clause 21 empowers the State Government to make rules in respect of the purposes mentioned therein and for the purpose of carrying out all or any of the provisions of the Bill. These rules shall as soon as may after they are made be laid before the Legislative Assembly. This delegation is essential and normal in character.

Gandhinagar,
Dated the 20th April, 1998.

NARESH RAVAL,
M.L.A.

GANDHINAGAR,
DATED THE 2nd JULY, 1998.

K.M.PANCHAL
Secretary,
Gujarat Legislative Assembly.

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PART V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 2nd July, 1998 by Shri USMANGANI DEVDIWALA, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.12 of 1998.

**THE GUJARAT BURIAL GROUNDS PRESERVATION AND
MAINTENANCE BILL, 1998.**

A BILL

*to provide for the preservation and maintenance of certain burial grounds in the
State of Gujarat.*

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Burial Grounds Preservation and Maintenance Act, 1998. Short title,
extent and
commencement.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once

Definition.

2. In this Act, unless the context otherwise requires, "burial grounds" means Kabrastan, cemetery or such other land set apart under section 38 of the Bombay Land Revenue Code, 1879 as a burial ground for any community or for children and not managed by any public trust registered under the Bombay Public Trusts Act, 1950 or by a wakf registered under the Wakf Act, 1954.

Bom. 5 of 1879.
Bom. 29 of 1950.
Act No. 29 of 1954.

Committee for each burial ground.

3. (1) There shall be a Committee to look after preservation and maintenance of each burial ground.

(2) The Committee shall consist of a Chairman and not more than five other members nominated by the Collector from amongst the persons who ordinarily reside at the place where the burial ground is situated :

Provided that in case of a burial ground set apart for a particular community, the persons belonging to that community shall only be nominated as members of the Committee.

(3) The terms of office of the Chairman and the members of the Committee shall be two years from the date of such nomination.

(4) The procedure of the Committee shall be such as may be prescribed.

Functions of the Committee.

4. The functions of the Committee shall be—

(1) to see that the person entitled to the use of the burial ground is allowed to use such ground without any hinderance.

(2) to prevent misuse or sale of the burial ground by any person;

(3) to fence the burial ground by barbed wire or any other material;

(4) to provide for adequate supply of water in the burial ground;

(5) to provide for growing of flowers and trees in the burial ground;

(6) to do such other things as may be necessary for the smooth and efficient management of burial ground.

Funds of Committee.

5. The Committee may accept donations and collect funds for the purpose of preservation and maintenance of the burial ground.

Accounts.

6. The accounts of the Committee shall be maintained in such form and shall be audited, by such agency as may be prescribed.

Permission not necessary in certain matters.

7. Notwithstanding anything contained in the Bombay Land Revenue Code, 1879 or any other law for the time being in force, it shall not be necessary for the Committee to obtain any permission of the State Government or any local authority for doing anything within the limits of the burial ground for carrying out the purposes of this Act.

Bom. 5 of 1979.

Liability of member of Committee.

8. (1) On a complaint received from any person against any member of the Committee or on his own motion, the Collector or any officer authorised by him in this behalf in writing, may inquire into any misappropriation of the fund of the Committee and if he is satisfied that

any member of the Committee is responsible for misappropriation of the fund of the Committee he may, by order in writing direct such member to pay to the Committee before a fixed date, the amount misappropriated by him.

(2) If the amount misappropriated is not paid by him within the time fixed, it shall be recovered as an arrears of Land Revenue and credited to the fund of the Committee.

(3) Any person aggrieved by the decision of the Collector or any officer so authorised may, within thirty days from the date of such decision, appeal to the District Court for redressal of his grievances and that Court after taking such evidence as it thinks necessary may, confirm, modify or set aside the order passed by the Collector or any officer authorised by him and make such order as it deems fit.

9. (1) The State Government may, by an officer authorised in this behalf, cause to investigate and ascertain the facts as to whether any burial ground which was not notified and used as such by any community at the commencement of the Constitution of India or thereafter.

Investigation into former burial grounds. removal of occupants and encroachment thereon.

(2) If the investigation of an officer authorised under sub-section (1) reveals that any burial ground which was used at the commencement of the Constitution of India or thereafter has been occupied by any person and used for purposes other than the burial purpose or has been converted into any land or building, then it shall be lawful for the State Government to summarily evict its occupant therefrom, remove encroachment thereon and cause to notify it to be a burial ground and hand over its possession to any of the committee referred to in section 3 for resumption of its use as a burial ground.

10. Any person, who—

Punishment.

(a) has misused a burial ground, or

(b), has occupied the burial ground and used for any purpose other than a burial ground, and

(c) has converted a burial ground into a land or a building,

shall, on conviction, be punished with an imprisonment for a term not exceeding five years and with a fine not exceeding Rs. 5000/-.

11. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) All rules made under this section shall be laid for ~~not~~ less than thirty days before the State Legislature, as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

Ordinarily in every village, town or city in the State of Gujarat, there are burial grounds for different communities. Some of them are under trusts or wakfs but usually they are under Government or Panchayats or Municipalities. The lands under the Panchayats or Government are many times used for the purposes other than burying the dead causing bitterness among the religious minorities such as muslims, Christians etc. It is therefore, necessary to create some agency to look after the burial grounds.

It is therefore, necessary that there should be some agency to look after such burial grounds which are not looked after by any agency. It is also necessary that certain facilities such as fencing, adequate supply of water, growing of flowers and trees etc. are provided in such burial grounds.

Statutory Committee consisting of a Chairman nominated by the Collector from amongst the persons belonging to the community for which the burial ground is set apart would be the proper agency to look after each burial ground. This Bill seeks to provide for nomination of such a Committee for each burial ground with necessary provisions for its functions, power to collect funds, maintenance of accounts etc.

Certain burial grounds which were not notified and used as burial grounds some years ago have been occupied and converted into lands or buildings and requires to be investigated and its unauthorised occupation also requires to be evicted so as to restore such grounds for the use as a burial ground.

Gandhinagar, 4th May, 1998.

USMANGANI DEVDIWALA,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The following provisions of the Bill provide for delegation of powers of legislative nature, namely :—

Clause 3.—Sub-clause (5) of this clause empowers the State Government to prescribe procedure of the Committee.

Clause 4.—Sub-clause (6) of this empowers the State Government to prescribe functions for the Committee other than those specified in sub-clauses (1) to (5) of clause 4.

Clause 6.—This clause empowers the State Government to prescribe form in which the accounts of the Committee shall be maintained and to prescribe the agency for auditing the accounts of the committee.

Clause 11.—This clause empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of powers as aforesaid is necessary and is of a normal character.

Gandhinagar.

Dated the 4th May, 1993.

USMANGANI DEVDIWALA,
M.L.A.

GANDHINAGAR.

K. M. PANCHAL,
Secretary,

DATED THE 2nd JULY, 1998.

Gujarat Legislature Secretariat.



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PART V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 2nd July, 1998 by Shri USMANGANI DEVDIWALA, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.13 of 1998.

**THE GUJARAT ONE JOB IN EACH LOWER INCOME
GROUP FAMILY BILL, 1998.**

A BILL

*to provide for a job at least to one person in each lower income group family in
the State of Gujarat.*

It is hereby enacted in the Forty-Ninth year of the republic of India as follows:—

1. (1) This Act may be called the Gujarat One Job in Each Lower Income Group Family Act, 1998. Short title, extent and commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires :—

Definitions.

(a) “adult person” means a person who has attained the age of eighteen years,

(b) "family" includes wife, son, daughter, father, mother, brother or sister of a person and residing with him;

(c) "lower income group family" means a family whose yearly income per member of the family is less than Rs. 10,000;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "scheme" means a scheme prepared to give at least one job in each lower income group family.

Report on un-employment condition.

3. The State Government shall prepare and publish a Report on unemployment condition and yearly income in each family in the State of Gujarat within six months from the date of coming into force of this Act.

Scheme.

4. (1) On preparation and publications of the Report under section 3, the State Government shall prepare and publish within three months a scheme for providing a job carrying a salary of Rs. 750 per month at least to one adult person in each lower income group family.

(2) The scheme shall be prepared and published in such manner as may be prescribed.

One job in each family

5. (1) After publication of the scheme under section 4, the State Government shall take steps to provide jobs as per the scheme.

(2) If the State Government is unable to provide a job carrying a salary of Rs. 750 per month to one adult person in a lower income group family, within one year from the date of operation of this Act, an un-employment allowance at the minimum rate of Rs. 25 per day shall be paid to such family until a job is provided to an adult person of such family.

Appointment of officers and servants.

6. (1) The State Government shall appoint implementing agencies for implementation of the Act and the scheme in every district in such manner as may be prescribed.

(2) The State Government shall appoint such officers and servants as it may deem necessary for carrying out the purposes of this Act.

Power to make rules.

7. (1) The State Government may, by notification, in the Official Gazette make rules to carry out all or any of the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

Unemployment is increasing day by day amongst both the educated and un-educated people. Thousands of young brilliant persons are wasting their time without any work. Similarly landless agricultural labourers and halpatis are without work for a considerable period in a year. About 50% of our population is living below poverty line, as a result of which the economic, social, educational and cultural growth is hampered.

To avoid this situation it is very necessary that at least one adult person from each lower income group family, whose yearly income per member of the family is less than Rs. 10,000 is given job and in the alternative the unemployment allowance.

Hence this Bill.

Ahmedabad,
Dated the 2nd May, 1998.

USMANGANI DEVDIWALA,
M.L.A.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for providing one job in each lower income group family and in the alternative unemployment allowance. Clause 6 provides for appointment of officers and servants for carrying out the purposes of the Act.

These provisions if enacted is likely to involve expenditure from the Consolidated Fund of the State. As the exact involvement of the expenditure to be incurred by the State Government depends also upon the survey to be carried out by Government under Section 3, it is difficult to give any estimate of recurring or non-recurring expenditure at present.

Ahmedabad,
Dated the 2nd May, 1998.

USMANGANI DEVDIWALA,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (2) of clause 4 empowers the State Government to prescribe the manner in which the scheme shall be prepared and published.

Sub-clause (1) of clause 6 empowers the State Government to prescribe the manner in which the implementing agencies shall be appointed.

Sub-clause (2) of clause 6 empowers the State Government to appoint Officers and Servants for carrying out the purposes of the Act.

Sub-clause (1) of clause 7 empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of Legislative powers as aforesaid is necessary and of normal character.

Ahmedabad,
Dated the 2nd May, 1998.

USMANGANI DEVDIWALA,
M.L.A.

GANDHINAGAR.

K. M. PANCHAL,
Secretary,

DATED THE 2nd JULY, 1998.

Gujarat Legislature Secretariat.



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PART V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 2nd July, 1998 by, Shri. USMANGANI DEVDIWALA, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.14 of 1998.

**THE GUJARAT WELFARE AND PROTECTION OF
 MINORITIES BILL, 1998.**

A BILL

*to provide for the welfare and protection of life and properties
 of minority communities in the State of Gujarat and
 for matters connected therewith.*

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Welfare and Protection of Minorities Act, 1998.

Short title,
 extend and
 commence-
 ment.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'Board' means the Gujarat Minority Welfare Board, constituted under section 6.

(b) 'Minority Community' means a group of persons belonging to a community based on religion other than Hindus.

(c) 'Prescribed' means prescribed by rules made under this Act.

Special care to
protect
minority.

3. The State Government shall take special care to protect the life and properties of minority community from any attack or assault thereon and for this purpose, the State Government may arrange for special squads of police.

Responsibility
for communal
disturbance.

4. (1) It shall be the paramount duty of the District Magistrate to maintain communal harmony and to keep a careful watch and vigilance over the communal atmosphere in his district.

(2) The District Magistrate shall be responsible for any communal disturbance in his District and shall be liable for summary suspension during the pendency of the investigation about his vigilance.

Offence and
penalties
therefor.

5. (1) Any attack or assault on the life or properties of the minority community shall be a cognizable offence under this Act and shall be tried in the Court of the Magistrate not inferior to the Judicial Magistrate of First Class and any person directly or indirectly involved therein shall, on conviction, be punished with imprisonment for the term of not less than seven years.

(2) Any person or institution belonging to the minority community may lodge a complaint for any offence under this act.

Minority Wel-
fare Board.

6. (1) The State Government shall constitute a Board to be called the Gujarat Minority Welfare Board consisting of not more than 15 members for the welfare of minority communities, out of which two third members shall be persons belonging to the minority communities.

(2) The Chairman of the Board shall be a person belonging to the minority community.

Terms and
conditions of
service
members.

7. The term and conditions of the service of the members of the Board and honorarium and allowances to be paid to them shall be such as may be prescribed.

Appointment
of officers and
servants.

8. The Board may appoint such officers and servants as it considers, necessary for the efficient performance of its functions.

Functions of
Board.

9. The functions of the Board shall be—

(i) to look into the educational, cultural, social, economic, around development and welfare of the minority communities in the State and to suggest to the State Government the ways and means therefor;

(ii) to suggest ways and means for promotion and development of Urdu and other languages of the minority communities;

(iii) to discharge such other functions as may be prescribed.

Power
to
make rules for
transaction of
business.

10. The Board may, with the previous sanction of the State Government, make rules for transaction of business and for internal working of its meetings.

11. (1) The State Government may, make rules for carrying out the purposes of this Act. Power to make Rules.

(2) All rules made under this Act, shall be published in the *Official Gazette* and unless they all are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the Legislature, or to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

The lives and properties of persons belonging to the Minority communities deserve to be protected meticulously. India is a secular State and hence all communities are equal. In communal disturbances and riots the minority communities have generally to suffer. The District authorities in most of the cases are aware of the communal tension prevailing. They however, do not take prompt preventive measures, which result into heavy loss of lives and properties of the minorities. The summary action is, therefore, proposed against the District Magistrate who is responsible for maintaining law and order situation in the District.

The Government of a secular State should also look into the development and welfare activities of minority communities and constitution of a Board for the purpose is therefore proposed.

The Bill seeks to achieve the aforesaid objects.

Ahmedabad,
Dated the 4th May, 1998.

USMANGANI DEVADIWALA,
M.L.A.

FINANCIAL MEMORANDUM

For the implementation of the provisions of the Bill and for its efficient functioning, a financial provision for a recurring expenditure of Rs. 25 lacs is estimated from the Consolidated Fund of the State.

Ahmedabad,
Dated the 4th May, 1998.

USMANGANI DEVADIWALA,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 empowers the State Government to prescribe the term and conditions of services of the members of the Board, and honorarium and allowances to be paid to them.

Clause 9(iii) empowers the State Government to prescribe functions of the Minority Welfare Board other than those prescribed in clause 9.

Clause 11 empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of Legislative powers is essential and is of normal character.

Almedabad,
Dated the 4th May, 1998.

USMANGANI DEVADIWALA,
M.L.A.

GANDHINAGAR.

DATED THE 2nd JULY, 1998..

K. M. PANCHAL.

Secretary,

Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 2nd July, 1998 by Shri USMANGANI DEVDIWALA, M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No. 15 of 1998.

**THE GUJARAT SLUM AREAS (IMPROVEMENT, CLEARANCE AND
 REDEVELOPMENT) (AMENDMENT) BILL, 1998.**

A BILL

*further to amend the Gujarat Slum Areas (Improvement, Clearance
 and Redevelopment) Act, 1973.*

It is hereby enacted in the Forty-Ninth Year of the Republic of India as follows :—

Short title and
 Commence-
 ment.

1. (1) This Act may be called the Gujarat Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Act, 1998.

(2) It shall come into force at once.

Insertion of new
 section 16A in
 Guj. 11 of 1973.

2. In the Gujarat Slum Areas (Improvement, Clearance and Redevelopment) Act, 1973 ^{Guj. 11 of 1973.} (hereinafter referred to as "the principal Act"), after section 16, the following new section shall be inserted, namely :—

Construction of
houses for slum
dwellers.

"16-A (1) Notwithstanding anything contained in the foregoing provisions all the buildings and land underlying them situated in the slum clearance area declared under section 11 shall vest free from all encumbrances in the Board immediately after the notification under section 11 is published in the *Official Gazette*.

(2) If the land or property so vested in the Board does not belong to the Government the Board shall pay compensation to the owner at such rate as may be determined by the Collector under section 15 of the Land Acquisition Act, 1894 as if the property was acquired by the Government under the Land Acquisition Act, 1894. 1 of 1894.

(3) The Board shall evict the slum dwellers from the slum clearance area and make temporary arrangement for their residence in nearby areas until new houses are constructed for them by the Board.

(4) The Board shall then demolish existing houses and construct new houses for the slum dwellers within a period of two years from the date of eviction of the slum dwellers preferably on the same site from which they were evicted.

(5) The State Government shall pay 80 percent of the cost per house to the Board as a subsidy and the remaining 20 percent shall be treated as loan advanced by the Board to the occupants and it shall be recovered from the occupants within a period of 20 years in equal monthly instalments."

Amendment of
section 27 of Guj.
11 of 1973.

3. In the principal Act, in section 27, after clause (c), the following new clause shall be inserted, namely :—

"(cc) to construct houses for slum dwellers".

STATEMENT OF OBJECTS AND REASONS

The population of slum dwellers is increasing by leaps and bounds and the authorities have miserably failed to solve their housing problem which is the basic necessity of civil life. In certain cities the population of the slum dwellers have gone to very high mark and most of their houses having no facility of light, water, drainage, sanitation, etc., are unfit for human habitation. The civil life will become impossible and the slum dwellers will be driven to the life of hell unless a ruthless planned work is undertaken for their rehabilitation and for construction of their houses on a war-footing. So, a time bound programme is must and hence this Bill.

Ahmedabad,

Dated the 4th May, 1998.

USMANGANI DEWADIWALA
M.L.A.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for subsidy by the State Government for construction of the houses. It is estimated that the Bill will involve an annual expenditure of Rs. 5 crores from the Consolidated Fund of the State.

Ahmedabad,

Dated the 4th May, 1998.

USMANGANI DEWADIWALA
M.L.A.

GANDHINAGAR.

DATED THE 2nd JULY, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



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The following bill which was introduced on the 2nd July, 1998 by Shri ARVINDBHAI PATEL M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.16 of 1998.

THE GUJARAT FAMILY WELFARE BILL, 1998

A BILL

to control the population growth and provide measures to restrict the size of the family so as to provide opportunities for individual development and to attain family welfare in the State of Gujarat and for matters connected therewith.

It is hereby enacted in the Forty ninth year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Family Welfare Act, 1998.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Public Servant" means,—

(i) any person in the service or pay of the State Government of remunerated by fees or comission for the performance of any duty by the State Government.

(ii) any person in the service or pay of a local authority or a Corporation established under the State or Central Act or a body owned or controlled or aided by the State Government or a Government Company established by the State Government under Section 617 of the Companies Act, 1956. 1 of 1956.

(b) "Local Body" means a body constituted under the Bombay Provincial Municipal Corporations Act, 1949 or the Gujarat Municipalities Act, 1963 or the Gujarat Panchayats Act, 1993 or any other Act under which a body is created or constituted in the State of Gujarat; Bom. 59 of 1949. Guj. 34 of 1964. Guj. 18 of 1993.

(c) "University" means any University established by law in the state of Gujarat and includes any other institution recognised by the University Grants Commission.

(d) "public Distribution System" means a system under which essential commodities such as, food grain, sugar, kerosin, cooking oils, etc are provided through fair price shop on family card or regulated under the Essential Commodities Act, 1955 or any other Act or rules framed by the State Government; 10 of 1965.

(e) "Educational Institution" means an institution imparting primary or Secondary or higher education, recognised or registered under the Bombay Primary Education Act, 1947 or the Gujarat Secondary Education Act, 1973 or under any University established by law in the State of Gujarat or other Authority constituted under the state or Central Act; Bom. 61 of 1947. Guj. 18 of 1973.

(f) "Specified Date" means a date specified for bringing into effect the provisions of this Act which shall be the date one year later than the date fixed under sub-section (3) of section 1.

3. A person shall be disqualified for the purposes enumerated in section 4 of this act if he has more than two children.

Disqualifica-
tion on
Violation of
small
family norm.

Provided that nothing contained in this Section shall apply to any person—

(a) having more than two children on the date of commencement of the Act or as the case may be, within a period of one year of such commencement, unless he begets an additional child after the said period of one year;

(b) having one child on the date of commencement of the Act or as the case may be, within a period of one year of such commencement, if a subsequent child birth results in the birth of more than one child.

Explanation.— For the purposes of this Section, a person shall not cease to incur dsqualification merely by reason of his giving his child in adoption.

Disqualified
persons, not
entitled to
certain
benefits/facil-
ities.

4. A person disqualified under section 3 of this Act shall—

(1) not be entitled to a membership of a local Body;

(2) if he is a public servant, not be entitled to get.

(a) yearly increment or due promotion;

(b) facilities such as advances for purchase of residential accommodation, vehicles and food-grains;

(3) if he is a person working in the University or any other educational institution as clerical or teaching staff, not be entitled to get yearly increment or due promotion.

(4) not be entitled to avail medical facility in any hospital run by the State Government or by a local body or by any other authority receiving grant of the State Government.

(5) not be entitled to get any essential commodity from the fair price shop or avail any facility under the Public Distribution System.

(6) not be entitled to a new gas connection.

5. (1) The Director of Health and Medical Services shall take all necessary measures to create awareness of the provisions of this Act.

Functions of
Director of
Health &
Medical
Services.

(2) The Director of Health and Medical Services of the State of Gujarat shall supervise the implementation of this Act and shall prepare a statement of breach of the provisions of this Act and shall cause it to be laid on the table of the Gujarat Legislative Assembly.

6. (1) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) Rules made under this section shall be laid before the state Legislature as soon as possible after they are made and shall be subject to such modifications or rescission as the State Legislature may make in the session in which they are so laid.

(3) Any modification or rescission so made by the State legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Gandhinagar,
Date 4th June, 1998.

ARVINDBHAI PATEL,
M.L.A.

STATEMENT OF OBJECTS AND REASONS.

After independence, large scale socio-economic development activities have been undertaken by the state. Simultaneously, unchecked birth rate has adverse implications on our socio-economic development, which has resulted in a very poor share of development to the individual. According to 1991 census, the population of India is 844.3 million and it is increasing by more than 17 million annually. Stabilization of the population at the replacement level is the over-riding national priority.

In the world, countries like China, have taken drastic steps to control the birth rate. In India the Central Family Welfare Minister had also introduced a Bill in the Rajya Sabha on 22nd December, 1992 so as to control birth rate. In the scheme of this Bill, it is suggested that, provisions of the Act shall come into force after a long time of one year, so that everybody can know the impact of the provisions of the Act and to restrict the size of their family. The main purpose of the Bill is to create awareness in the minds of the people to restrict the size of their family. If this is not done, the scope for the new development is very meagre. For family welfare and individual development this Bill is proposed.

Gandhinagar,
Dated: 4th June, 1998.

ARVIND BHAI PATEL,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of clause (1) empowers the State Government to specify the date on which the Act shall come into force.

Sub-clause (1) of clause (6) empowers the State Government to make rules for carrying out the purposes of this Act.

The delegation of Legislative powers as aforesaid is essential and of normal character.

Gandhinagar,
Dated the 4th June, 1998.

ARVINDBHAI PATEL,
M.L.A.

GANDHINAGAR.

DATED THE 2nd JULY, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.

V. Ex. 16-2



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PART V

Bill introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 2nd July, 1998 by Shri ARVINDBHAI PATEL M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No. 17 of 1998.

THE GUJARAT PREVENTION OF ACCIDENTS ON HIGHWAYS BILL, 1998

A BILL

to make provisions for prevention of accidents on highways and for matters connected therewith.

It is hereby enacted in the Forty ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prevention of Accidents on Highways Act, 1998.

(2) It shall come into force at once.

2. In this Act unless the context otherwise require—

(a) "Special Authority" means the Authority constituted under section-3 of this Act.

(b) "Highway" means, State Highways, National Highways and such other Roads as may be classified as such by the State Government.

(c) "Traffic Police" means a section of the Gujarat Police looking after the regulations of Highways Traffic.

(d) The expressions which are used, but not defined shall have the same meaning as has been given in the Motor Vehicles Act, 1988.

Short
title and
commen-
cement.

Defini-
tions.

LIX
of
1988.

V Ex.-17-1

17-1

Establishment of Special Authority.

3. (1) The State Government shall by notification in the *Official Gazette* establish a special authority to be called the Authority to Supervise and work for the Prevention of Accidents on Highways in the State of Gujarat.

(2) The Special Authority shall consist of the Chairman and such other members not exceeding 14 as may be appointed by the State Government:

Provided that atleast two members of the Gujarat Legislative Assembly shall be appointed on the Special Authority.

Tenure of the members of the Special Authority.

4. The Chairman and members of the Special Authority shall be appointed for a period of 3 years from the date of appointment:

Provided that the members of Gujarat Legislative Assembly shall continue to be members for full term of the Special Authority eventhough they cease to be members of the Assembly.

Payment of Allowances to the Chairman and other members of the Special Authority.

5. The Chairman and members of the Special Authority shall not be entitled to receive any salary but they shall be entitled to receive the allowances for performing their duties as may be determined by Government.

Staff under the Special Authority.

6. (1) The staff under the Special Authority shall consists of:—

(a) Secretary, who shall be appointed by the Government and;

(b) Such other employees as the Special Authority may, with the previous approval of the State Government, appoint from time to time.

(2) The Salary of the Secretary and other employees shall be such as may be prescribed.

(3) The other terms and conditions of the services of the Secretary and other employees shall be such as may be prescribed.

Functions of the Special Authority.

7. The functions of the Special Authority shall be:

(a) to supervise the road traffic and to suggest the measures for avoiding accidents on the Highways.

(b) to keep record of Accidents and to find out the common causes of the accidents and to suggest the remedial measures.

(c) to suggest changes in the existing Highway Traffic rules.

(d) The State Highway Police shall implement the suggestions made by the Special Authority and shall also carry out the instructions issued by it and will provide necessary Assistance to the Authority.

Rules.

8. (1) The State Government may frame the rules by notification in the *Official Gazette* to carry out the objects of the Act.

(2) The rules made under this Section shall be laid before the Legislature of the State at the session thereof next following and shall be liable to be modified or rescinded by a resolution passed by the Legislature and such rules after notifying in the *Official Gazette*, be deemed to have been modified or rescinded accordingly.

Dated : 4th June, 1998.
Gandhinagar.

ARVINDBHAI PATEL
M. L. A.

STATEMENT OF OBJECTS AND REASONS

At present the Road Accidents on the Highways of Gujarat are increasing at an alarming rate. Every day several accidents occur on the Highways resulting in loss of lives of the people and also making many people invalid by severe and permanent injuries.

The existing machinery of Highway Police which looks after the Highway Traffic is not sufficient to check the Highway Accidents.

Therefore, a separate Special Authority is proposed to be set up to suggest measures and issue directions to the Highway Traffic Police with a view to control and minimise accidents taking places on highways of Gujarat.

Dated : 4th June, 1998.
Gandhinagar.

ARVINDBHAI PATEL,
M.L.A.

FINANCIAL MEMORANDUM

Sections 5 and 6 provides for giving salaries and allowances to the Chairman, Members and Staff of the Special Authority which may involve expenditure from the consolidated fund of the State of about Rs. 15 lacs per year.

Dated : 4th June, 1998.
Gandhinagar.

ARVINDBHAI PATEL,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of Legislative powers in the following respects:—

Clause 3.—This clause empowers the State Government to appoint, by notification in the *Official Gazette*, a Special Authority.

Clause 5.—This clause empowers the State Government to determine the allowances to the Chairman and members of the Special Authority.

Clause 6.—This clause empowers the State Government to approve the strength and other conditions of services of the Secretary and employees under the special Authority.

Clause 8.—This clause empowers the State Government to frame the rules to carry out the objects of the Act.

The delegation of legislative powers are of normal character.

Dated : 4th June, 1998.

ARVINDBHAI PATEL,
M.L.A.

Gandhinagar,

Dated the 2nd July, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given
under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:—

THE GUJARAT TAX ON LUXURIES (HOTELS AND LODGING HOUSES) (AMENDMENT) BILL, 1998.

Gujarat Bill No. 18 of 1998.

A BILL

further to amend the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 1998. Short title and commencement.

(2) It shall come into force on the 1st August, 1998.

2. In the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 (hereinafter referred to as "the principal Act"), in section 2, in clause (e), for the words "one hundred rupees", the words "two hundred rupees" shall be substituted. Amendment of section 2 of Guj. 24 of 1977.

Guj. 24
of 1977

Amendment of
section 3 of Guj.
24 of 1977.

3. In the principal Act, in section 3, in sub-section (1), for clauses (a) to (d), the following clauses shall be substituted, namely:—

"(a) Where the charges for lodging are not more than two hundred rupees per day per person.

Nil

(b) Where the charges for lodging are more than two hundred rupees but not more than five hundred rupees per day per person.

15 per cent.
of such charge.

(c) Where the charges for lodging are more than five hundred rupees per day per person.

20 per cent.
of such charge."

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend sections 2 and 3 of the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 with a view to giving effect to the proposal contained in the Budget speech of the Finance Minister in the Legislative Assembly on the 30th June, 1998.

Dated the 22nd July, 1998.

KESHUBHAI PATEL

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 23rd July, 1998.

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT ENTERTAINMENTS TAX (AMENDMENT) BILL, 1998.

GUJARAT BILL NO. 19 OF 1998.

A BILL

to further amend the Gujarat Entertainments Tax Act, 1977.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Entertainments Tax (Amendment) Act, 1998. Short title and commencement.

(2) It shall come into force on the 1st August, 1998.

Guj. 16 of 1977. 2. In the Gujarat Entertainments Tax Act, 1977 (hereinafter referred to as "the principal Act"), after section 3, the following new section shall be inserted, Insertion of new section 3A in Guj. 16 of 1977.
namely :—

Certain entertainments free from tax.

“3A. Notwithstanding anything contained in section 3, there shall not be levied and paid the tax to the State Government on any payment for admission to the entertainments specified in the Schedule III.”

3. In the principal Act, after Schedule II, the following Schedule shall be inserted, namely :— Insertion of new Schedule III in Guj. 16 of 1977.

"SCHEDULE III**(See section 3A.)**

- (1) All kinds of musical programmes including musical nights and *opera*,
- (2) All kinds of dances,
- (3) All types of dramas and plays,
- (4) Circus,
- (5) Magic show,
- (6) Puppet show and play,
- (7) *Mushayara* and *Kavi Sammelan*,
- (8) *Ras Garba*,
- (9) *Bhawai* and *Ram Leela*,
- (10) *Duha*, *Mimicry*, *Dayaro*,
- (11) *Lok Natya*,
- (12) Any type of exhibition of arts, skills and things,
- (13) All kinds of sports excluding the sports or rides provided in the water park and holiday resorts.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to insert new section 3A in the Gujarat Entertainments Tax Act, 1977 with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister in the Assembly on the 30th June, 1998.

Dated the 23rd July, 1998.

KESHUBHAI PATEL.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 23rd July, 1998.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE BOMBAY STAMP (GUJARAT AMENDMENT) BILL, 1998.

GUJARAT BILL NO. 20 OF 1998.

A BILL

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Stamp (Gujarat Amendment) Act, 1998. Short title and commencement.

(2) It shall come into force on the 1st August, 1998.

Bom. LX of 1958.

2. In the Bombay Stamp Act, 1958, in Schedule I,—

(1) in article 6, in clause (2), in sub-clause (ii), in column (2), for the words "One hundred rupees for every one lakh rupees or part thereof", the words "Subject to maximum of two lakhs rupees, one rupee for every hundred rupees or part thereof" shall be substituted;

(2) in article 12, for clauses (a) to (g), the following shall be substituted, namely:—

Amendment of Schedule I to Bom. LX of 1958.

"Where the company has no share capital or nominal share capital.

Subject to minimum of one thousand rupees and maximum of five lakhs rupees, fifteen paise for every hundred rupees or part thereof.";

(3) in article 27, after clause (b), the following clause shall be inserted, namely:—

"(c) when original mortgage is one of the description referred to in clause (b)(i) of article 36.

Subject to maximum of two lakhs rupees, two rupees for every hundred rupees or part thereof, for the amount of the further charge secured by such instrument.";

(4) in article 36,—

(a) for clause (b), the following clause shall be substituted, namely:—

"(b) When possession of the property or any part of the property comprised in such deed is not given or not agreed to be given,—

(i) in the case of such deed executed by the Industrial Undertaking in favour of any Financial Institution for borrowing loans from such Institutions

Subject to maximum of rupees two lakhs, two rupees for every hundred rupees or part thereof for the amount secured by such deed.

(ii) in any other case

Three rupees for every hundred rupees or part thereof for the amount secured by such deed. " ;

(b) the existing *Explanation* shall be re-numbered as *Explanation I* and after *Explanation I* as so renumbered, the following *Explanations* shall be inserted, namely:—

"*Explanation II*.—For the purpose of this article, the expression "Industrial Undertaking" means and includes any undertaking by a person or group of persons engaged in—

(i) the manufacture, preservation or processing of goods;

(ii) mining or development of mines;

(iii) the hotel industry;

(iv) the transport of passengers or goods by road, water, air, ropeway or by lift;

(v) the generation or distribution of electricity or any other form of energy ;

(vi) the maintenance, repair, testing or servicing of machinery of any description of vehicles or vessels or motor boats or trailers or tractors;

(vii) assembling, repairing or packing any article with the aid of machinery or energy ;

(viii) the setting up or development of an industrial area or industrial estate ;

(ix) fishing or providing shore facilities for fishing or maintenance thereof ;

(x) providing special or technical knowledge or other services for the promotion of industrial growth ;

(xi) providing weigh bridge facilities ;

(xii) the research and development of any process or product in relation to any of the matters aforesaid.

Explanation III.—The expression "processing goods" includes any art or process for producing, preparing or making any article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation.";

(5) in article 44, in clause (1), for column (2), the following shall be substituted, namely:—

"Subject to minimum of five hundred rupees and maximum of five thousand rupees, one rupee for every hundred rupees or part thereof of the amount of the capital of partnership.";

(6) in article 56, in clause (a), for column (2), the following shall be substituted, namely:—

"Subject to maximum of ten thousand rupees, one rupee for every hundred rupees or part thereof of the face amount of the debenture.".

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Bombay Stamp Act, 1958 with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister in the Legislative Assembly on the 30th June, 1998.

Dated the 23rd July, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 23rd July, 1998.

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :—

THE BOMBAY MOTOR VEHICLES TAX (GUJARAT AMENDMENT) BILL, 1998.

GUJARAT BILL NO. 21 OF 1998.

A BILL

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 1998. Short title and commencement.

(2) It shall come into force on the 1st August, 1998.

Bom. LXV
of 1958.

2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), in section 2, after clause (1), the following clause shall be inserted, namely :— Amendment of section 2 of Bom. LXV of 1958.

"(1A) 'cost of vehicle', in relation to—

(a) a vehicle manufactured in India means the ex-factory price of the vehicle as shown in the invoice of the vehicle issued either by the manufacturer or the dealer of the vehicle; and

(b) a vehicle imported into India means value of vehicle as assessable under the Customs Act, 1962 and endorsed as such in the Bill of 52 of 1962. Entry under that Act;".

Amendment
of section 3 of
Bom. LXV of
1958.

3. In the principal Act, in section 3,—

(1) in sub-section (1), for the words "First, Second and Third Schedules", the words "First, Second, Third, Fourth and Fifth Schedules" shall be substituted;

(2) in the proviso, after the words "Second Schedule", the words "or the Fourth Schedule" shall be inserted.

Amendment
of section 3A
of Bom. LXV
of 1958.

4. In the principal Act, in section 3A, for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) In calculating the amount of tax due under this section, the fraction of a rupee not exceeding fifty paise shall be ignored and the fraction of a rupee exceeding fifty paise shall be taken as a rupee."

Amendment
of section 4
of Bom. LXV
of 1958.

5. In the principal Act, in section 4,—

(1) in sub-section (1AB), for the words "Second Schedule or the Third Schedule", the words "Second Schedule, Third Schedule, Fourth Schedule or Fifth Schedule" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In calculating the amount of tax due under this section, the fraction of a rupee not exceeding fifty paise shall be ignored and the fraction of a rupee exceeding fifty paise shall be taken as a rupee."

Amendment
of section 5
of Bom. LXV
of 1958.

6. In the principal Act, in section 5, in sub-section (1), for the words and figure "under section 3", the words "under this Act" shall be substituted.

Amendment
of section 6
of Bom. LXV
of 1958.

7. In the principal Act, in section 6,—

(1) in sub-section (1), for the words "the tax which he appears by such declaration to be liable to pay", the words "the tax which the Taxation Authority certifies on such declaration to be due" shall be substituted;

(2) in sub-section (2),—

(a) for the words "additional tax", the words "additional tax or a lump sum tax" shall be substituted;

(b) for the words "the additional tax payable under that section, which he appears by such additional declaration to be liable to pay", the words "an additional tax or the lump sum tax payable under that section which the Taxation Authority certifies on such declaration to be due" shall be substituted;

(3) sub-section (5) shall be deleted.

8. In the principal Act, in section 11, in sub-section (2), in clause (c), for the words "Fourth Schedule", the words "Sixth Schedule" shall be substituted. Amendment of section 11 of Bom. LXV of 1958.

9. In the principal Act, after section 12, the following sections shall be inserted, namely :— Insertion of new sections 12A and 12B in Bom. LXV of 1958.

Restrictions on use of motor vehicles in certain cases.

"12A. No motor vehicle used or kept for use in the State shall be used on any road in the State where the tax payable in respect of such vehicle remains unpaid for more than thirty days after it has become due under the provisions of this Act, until the tax, penalty and interest, if any, due is paid.

Power to seize and detain motor vehicle for non-payment of tax.

12B. Without prejudice to the provisions of sections 12, 12A and 16, where any tax due under this Act in respect of any vehicle has not been paid as specified in section 3 or section 4, an officer not below the rank of an Inspector of Motor Vehicles or an Inspector of Police, as the State Government may empower in this behalf, seize and detain such vehicle and for this purpose, take or cause to be taken all steps as he may consider necessary for the proper maintenance and safe custody of the vehicle until the tax, penalty and interest, if any, due in respect of such vehicle and charges for the custody and maintenance of vehicle, is paid."

10. In the principal Act, in section 25, for the words "Fifth Schedule", the words "Seventh Schedule" shall be substituted. Amendment of section 25 of Bom. LXV of 1958.

11. In the principal Act, in the First Schedule,—

Amendment of First Schedule to Bom. LXV of 1958.

(1) in Part-I,—

(a) for the words "Motor Vehicles using **Motor Spirit**", the words "Motor Vehicles using motor spirit, compressed natural gas or operated by electric battery or solar energy" shall be substituted;

(b) the letter and words "A. Motor Vehicles fitted solely with pneumatic tyres" shall be deleted;

(c) in sub-clause VII, item (iii) shall be deleted;

(d) clause B shall be deleted;

(2) in Part-II, for the words "Motor Vehicles using fuel other than motor spirit", the words "Motor Vehicles using fuel other than motor spirit", compressed natural gas or operated by electric battery or solar energy" shall be substituted.

Amendment
of Second
Schedule to
Bom. LXV of
1958.

12. In the principal Act, in the Second Schedule,—

(1) in Part—I,—

(a) for the words "Motor Vehicles using motor spirit", the words "Motor Vehicles using motor spirit, compressed natural gas or operated by electric battery or solar energy" shall be substituted ;

(b) the letter and words "A. Motor Vehicles fitted solely with pneumatic tyres" shall be deleted ;

(c) clause III shall be deleted;

(d) in clause IV, the words and letters "or clause III" and the words and letters "or as the case may be, clause III" shall be deleted;

(e) in the *Explanations* I and II, the words and letters "and clause III", shall be deleted;

(f) class B shall be deleted.

(2) in Part—II, for the words "*Motor Vehicles using fuel other than motor spirit*", the words "*Motor Vehicles using fuel other than motor spirit, compressed natural gas or operated by electric battery or solar energy*" shall be substituted.

Amendment
of Third
Schedule to
Bom. LXV of
1958.

13. In the principal Act, in the Third Schedule,—

(1) in Part I,—

(a) for the words "*Motor Vehicles using motor spirit*", the words "*Motor Vehicles using motor spirit, compressed natural gas or operated by electric battery or solar energy*" shall be substituted;

(b) the letter and words "A. Motor Vehicles fitted solely with pneumatic tyres" shall be deleted;

(c) clause III shall be deleted;

(d) in clause IV, the words and letters "or clause III" and the words and letters "or as the case may be, clause III" shall be deleted;

(e) in the *Explanations* I and II, the words and letters "and clause III" shall be deleted.

(f) class B shall be deleted.

(2) in Part—II, for the words "*Motor Vehicles using fuel other than motor spirit*", the words "*Motor Vehicles using fuel other than motor spirit, compressed natural gas or operated by electric battery or solar energy*" shall be substituted.

14. In the principal Act, after the Third Schedule, the following Schedules shall be inserted, namely :—

Insertion
of new
Schedules in
Bom. LXV
of 1958.

"FOURTH SCHEDULE

(See section 3)

Motor Vehicles (other than transport vehicles and motor vehicles liable to tax under the Second Schedule) registered in the State of Gujarat on or after the 1st August, 1998.

Maximum rate
of Lump sum
Tax (Rs.)

Part-I.— *Motor Vehicles using motor spirit, compressed natural gas or operated by electric battery or solar energy.*

- | | | |
|----|--|--|
| A. | Motor Vehicles including a trailer to carry personal effects or a camping trailer for private use, attached to such motor vehicle owned by an individual, an educational institution, a local authority, a public trust, a social welfare institution or a University: | Eight percent of the cost of vehicle including the trailer or camping trailer, if any. |
|----|--|--|

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.

- | | | |
|----|---|---|
| B. | Motor Vehicles owned by a person other than an individual, an educational institution, a local authority, a public trust, a social welfare institution or a University. | Twice the rates specified in clause A. |
| C. | Motor Vehicles falling under clause A or clause B and manufactured out of India and imported into India after the 31st July, 1998. | Twice the rates specified in clause A, or as the case may be, clause B. |

Part II.—	<i>Motor Vehicles using fuel other than motor spirit, compressed natural gas or operated by electric battery or solar energy.</i>	The rates specified in Part I plus a surcharge of fifty per cent.
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Explanation I.—For the purposes of this Schedule,—

- (a) (i) "educational institution" shall mean such educational institution as is recognised by the State Government by order notified in the *Official Gazette*, in this behalf;

(ii) "local authority" shall mean any municipal corporation, municipality, cantonment board or panchayat constituted under any law for the time being in force in the State of Gujarat;

(iii) "public trust" shall mean a public trust registered under the Bombay Public Trusts Act, 1950 as in force in the State of Gujarat; ^{Bom. XXIX of 1950.}

(iv) "social welfare institution" shall mean any institution engaged in any activity conducive to the welfare of the general public and recognised by the State Government by order notified in the *Official Gazette*, for the purposes of this Schedule;

(v) "University" shall mean a university established by or under any law for the time being in force in the State of Gujarat;

Explanation II.—If a motor vehicle is jointly owned by more persons than one, then notwithstanding anything contained in the proviso to sub-section (1) of section 41 of the Motor Vehicles Act, 1988, such motor vehicle shall be deemed to be owned by a person other than individual. ^{59 of 1988.}

Explanation III.—For the purposes of calculating the rate of lump sum tax under this Schedule if the invoice of the vehicle, or as the case may be, the Bill of Entry as not produced, for any reason, than,—

(1) (i) in case of model of such vehicle is being manufactured, the cost of vehicle certified by a local dealer or manufacturer of such vehicle;

(ii) in case the manufacture of such model is ceased, the prevailing market price of such vehicle certified by the licensed assessor or valuer of motor vehicles.

(2) If the cost of vehicle could not be ascertained as per clause (1), the prevailing cost of similar vehicle determined by the Taxation Authority, closest in engine capacity and unladen weight of the vehicle in respect of which a tax is to be levied and collected.

Explanation IV.—In calculating the cost of vehicle, if the cost of the vehicle is not in exact multiple of hundred, the fraction of a hundred not exceeding fifty rupees shall be ignored and the fraction of hundred exceeding fifty rupees shall be taken as hundred rupees.

FIFTH SCHEDULE

(See section 3)

Motor Vehicles (other than transport vehicles and motor vehicles liable to tax under the Third Schedule) registered in any State other than State of Gujarat and brought for use or keeping for use in the State of Gujarat on or after 1st August, 1998.

Motor Vehicles other than those described in the Third Schedules but including a trailer to carry personal effects or a camping trailer for private use, attached to such motor vehicles.

If the age of the vehicle from the month of registration is—

Rate of lump sum tax.

- | | |
|---|-----------------|
| 1. not more than 2 years | 95% of the tax. |
| 2. more than 2 years but not more than 3 years | 90% of the tax. |
| 3. more than 3 years but not more than 4 years | 85% of the tax. |
| 4. more than 4 years but not more than 5 years | 80% of the tax. |
| 5. more than 5 years but not more than 6 years | 75% of the tax. |
| 6. more than 6 years but not more than 7 years | 70% of the tax. |
| 7. more than 7 years but not more than 8 years | 65% of the tax. |
| 8. more than 8 years but not more than 9 years | 60% of the tax. |
| 9. more than 9 years but not more than 10 years | 55% of the tax. |
| 10. more than 10 years but not more than 11 years | 50% of the tax. |
| 11. more than 11 years but not more than 12 years | 45% of the tax. |

- | | | |
|-----|---|-----------------|
| 12. | more than 12 years but not more than 13 years | 40% of the tax. |
| 13. | more than 13 years but not more than 14 years | 35% of the tax. |
| 14. | more than 14 years | 30% of the tax. |

Explanation.—For the purposes of this Schedule, the expression 'tax' means the tax leviable under the Fourth Schedule."

Amendment
of Fourth
Schedule to
Bom. LXV of
1958.

15. In the principal Act, the existing FOURTH SCHEDULE shall be renumbered as SIXTH SCHEDULE.

Amendment
of Fifth
Schedule to
Bom. LXV of
1958.

16. In the principal Act, the existing FIFTH SCHEDULE shall be renumbered as SEVENTH SCHEDULE.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Bombay Motor Vehicles Tax Act, 1958 with a view to giving effect to the Budget proposal contained in the Budget Speech made in the Assembly on the 30th June, 1998.

Under the existing provisions of the Act, in addition to tax, surcharge is levied at the rate of fifty per centage of tax on vehicles using fuel other than motor spirit. With a view to providing incentive for the motor vehicles using compressed natural gas or operated by electric battery or solar energy which are conservative of petroleum product and reduce pollution caused by emission of smoke from certain vehicles, it is considered necessary to abolish such surcharge on the vehicles using compressed natural gas or operated by electric battery or solar energy. The Schedules are proposed to be amended to provide accordingly.

Under the existing provisions, the tax is levied on the basis of the laden and unladen weights of the vehicle. It is proposed to levy the tax on three wheelers and four wheelers motor vehicles using motor spirit, for personal use, on the *ad-valorem* basis.

An opportunity is also taken to amend the provisions of sections 3A and 4 of the said Act with a view to simplifying calculation and collection of tax under the Act so that fraction of rupee be rounded off to the nearest rupee. It is also proposed that in calculating the cost of vehicle, not exceeding fifty rupees shall be ignored and exceeding fifty rupees shall be taken as hundred rupees.

The existing provisions of the said Act are found insufficient to prevent and control the evasion of tax as they do not prohibit the use of motor vehicles on road even in cases where the tax due has remained unpaid. In order to prevent the evasion of tax and to have speedy recovery of tax due under the Act, it is considered necessary to prohibit the use of motor vehicles in respect of which tax, penalty or interest remains unpaid. It is also considered necessary to empower the officer not below the rank of Inspector to seize and detain the vehicle till the tax, penalty or interest is paid. Proposed new sections 12A and 12B provides accordingly.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

BIMAL SHAH.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

This Bill involves delegation of legislative power in the following respects:—

Clause 9.—Section 12B proposed to be inserted by this clause empowers the State Government to empower an officer not below the rank of Inspector of Motor Vehicle or Inspector of Police to seize and detain the vehicle in respect of which any tax due under the Act has not been paid.

The delegation of legislative power as aforesaid is necessary and is of normal character.

Dated the 23rd July, 1998.

BIMAL SHAH

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, Dated the 23rd July, 1998.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



The Gujarat Government Gazette

EXTRAORDINARY

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VOL. XXXIX]

FRIDAY, JULY 24, 1998/SRAVANA 2, 1920

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART- V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT LOKAYUKTA (AMENDMENT) BILL, 1998.

GUJARAT BILL NO. 22 OF 1998.

A BILL

further to amend the Gujarat Lokayukta Act, 1986.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Gujarat Lokayukta (Amendment) Act, 1998.

Amendment
of section 5 of
Guj. 31 of
1986.

2. In the Gujarat Lokayukta Act, 1986, in section 5, after sub-section (4), ^{Guj. 31 of 1986.} the following sub-section shall be added, namely :—

"(5) The salaries, allowances and pension payable to, or in respect of, Lokayukta shall be expenditure charged on the Consolidated Fund of the State."

STATEMENT OF OBJECTS AND REASONS

In order to ensure independence of Institute of Lokayukta and to enable the Lokayukta to discharge his functions impartially and effectively, it is considered necessary to make provision in the Gujarat Lokayukta Act, 1986, so as to provide that the salaries, allowances and pension payable to, or in respect of, Lokayukta shall be the expenditure charged on the Consolidated Fund of the State.

Dated the 23rd July, 1998.

KESHUBHAI PATEL

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 24th July, 1998.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT APPROPRIATION BILL, 1998.

GUJARAT BILL NO. 23 OF 1998.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1999.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation Act, 1998. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of twelve thousand forty-two crores, eighty-five lakhs, one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1998-99, in respect of the services and purposes specified in column 2 of the Schedule. Withdrawal of Rs. 1,20,42,85,01,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1998-99.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
1	Agriculture and Co-operation Department	Revenue 3,48,00,000	—	3,48,00,000
2	Agriculture	Revenue 1,35,32,54,000	5,73,000	1,35,38,27,000
		Capital 46,67,000	—	46,67,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue 43,08,19,000	—	43,08,19,000
		Capital 3,00,40,000	—	3,00,40,000
4	Animal Husbandry and Dairy Development	Revenue 41,23,33,000	—	41,23,33,000
		Capital 44,67,000	—	44,67,000
5	Co-operation	Revenue 24,90,83,000	—	24,90,83,000
		Capital 32,44,42,000	—	32,44,42,000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Capital 2,01,10,000	—	2,01,10,000
7	Education Department	Revenue 1,91,89,000	—	1,91,89,000
8	Education	Revenue 16,80,57,23,000	48,19,66,000	17,28,76,89,000
		Capital (—) 1,12,000	—	(—) 1,12,000
9	Other expenditure pertaining to Education Department	Revenue 1,81,14,000	—	1,81,14,000
		Capital 20,81,93,000	—	20,81,93,000
10	Energy and Petro- Chemicals Department	Revenue 71,97,000	—	71,97,000
11	Tax Collection Charges (Energy and Petro- Chemicals Department)	Revenue 4,40,85,000	—	4,40,85,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2	3			
12	Energy Projects	Revenue	4,05,26,67,000	—	4,05,26,67,000
		Capital	4,05,71,00,000	—	4,05,71,00,000
13	Other expenditure pertaining to Energy and Petro- Chemicals Department	Revenue	10,00,000	—	10,00,000
		Capital	20,07,63,000	—	20,07,63,000
14	Finance Department	Revenue	4,31,08,000	—	4,31,08,000
		Capital	6,47,000	—	6,47,000
15	Tax Collection Charges (Finance Department)	Revenue	46,08,95,000	—	46,08,95,000
16	Treasury and Accounts Administration	Revenue	31,26,51,000	1,000	31,26,52,000
17	Pension and Other Retirement Benefits	Revenue	4,03,89,13,000	2,66,000	4,03,91,79,000
18	Other expenditure pertaining to Finance Department	Revenue	(—)1,72,86,61,000	—	(—)1,72,86,61,000
		Capital	1,07,68,000	66,000	1,08,34,000
19	Repayment of debt pertaining to Finance Department	Revenue	—	13,18,44,14,000	13,18,44,14,000
		Capital	—	5,57,41,77,000	5,57,41,77,000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	4,53,13,000	—	4,53,13,000
21	Civil Supplies	Revenue	60,52,21,000	—	60,52,21,000
		Capital	2,000	—	2,000
22	Food	Revenue	9,84,70,000	—	9,84,70,000
		Capital	91,66,000	—	91,66,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
23	Other expenditure pertaining to Food, Civil Supplies and Consumers Affairs Department	Revenue — Capital 73,53,000	1,000 —	1,000 73,53,000
24	Forests and Environment Department	Revenue 1,04,40,000	—	1,04,40,000
25	Forests	Revenue 67,82,60,000 Capital 79,71,16,000	— —	67,82,60,000 79,71,16,000
26	Environment	Revenue 4,48,33,000	—	4,48,33,000
27	Other expenditure pertaining to Forests and Environment Department	Capital 1,85,13,000	—	1,85,13,000
28	Governor	Revenue —	1,28,94,000	1,28,94,000
29	Council of Ministers	Revenue 2,24,50,000	—	2,24,50,000
30	Elections	Revenue 6,47,57,000	—	6,47,57,000
31	Public Service Commission	Revenue 1,40,92,000	1,50,91,000	2,91,83,000
32	General Administration Department	Revenue 14,76,53,000	—	14,76,53,000
33	Economic Advice and Statistics	Revenue 6,62,06,000	—	6,62,06,000
34	Other expenditure pertaining to General Administration Department	Revenue 1,21,46,48,000 Capital 88,20,000	— —	1,21,46,48,000 88,20,000
35	State Legislature	Revenue 4,66,49,000	3,18,000	4,69,67,000
36	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital 8,23,000	—	8,23,000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted *	Charged on the Consolidated Fund	Total
1	2			3	
37	Health and Family Welfare Department	Revenue	2,99,10,000	—	2,99,10,000
38	Medical and Public Health	Revenue	5,13,60,41,000	3,02,000	5,13,63,43,000
39	Family Welfare	Revenue	99,98,51,000	—	99,98,51,000
40	Other expenditure pertaining to Health and Family Welfare Department	Revenue Capital	51,55,96,000 2,84,68,000	— —	51,55,96,000 2,84,68,000
41	Home Department	Revenue	3,05,22,000	—	3,05,22,000
42	Police	Revenue	4,49,35,23,000	2,07,87,000	4,51,43,10,000
43	Jails	Revenue	16,39,05,000	—	16,39,05,000
44	Transport	Revenue	46,73,09,000	—	46,73,09,000
		Capital	35,00,00,000	—	35,00,00,000
45	State Excise	Revenue	3,60,22,000	—	3,60,22,000
46	Other expenditure pertaining to Home Department	Revenue Capital	45,02,42,000 25,23,54,000	1,34,000 —	45,03,76,000 25,23,54,000
47	Industries and Mines Department	Revenue	1,61,90,000	—	1,61,90,000
48	Stationery and Printing	Revenue	28,34,42,000	—	28,34,42,000
49	Industries	Revenue Capital	1,61,18,88,000 34,65,17,000	— —	1,61,18,88,000 34,65,17,000
50	Mines and Minerals	Revenue	10,81,43,000	—	10,81,43,000
51	Other expenditure pertaining to Industries and Mines Department	Revenue Capital	3,47,000 2,72,40,000	— —	3,47,000 2,72,40,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
52	Information, Broadcasting and Tourism Department	Revenue 48,25,000	—	48,25,000
53	Information and Publicity	Revenue 14,45,97,000	—	14,45,97,000
54	Tourism	Revenue 7,53,86,000	—	7,53,86,000
		Capital 5,00,00,000	—	5,00,00,000
55	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue 3,55,52,000	—	3,55,52,000
		Capital 11,53,000	—	11,53,000
56	Labour and Employment Department	Revenue 1,06,19,000	—	1,06,19,000
57	Labour and Employment	Revenue 67,61,43,000	4,000	67,61,47,000
		Capital 15,000	—	15,000
58	Other expenditure pertaining to Labour and Employment Department	Capital 1,73,07,000	—	1,73,07,000
59	Legal Department	Revenue 1,76,15,000	—	1,76,15,000
		Capital 5,00,000	—	5,00,000
60	Administration of Justice	Revenue 61,74,52,000	11,75,02,000	73,49,54,000
61	Other expenditure pertaining to Legal Department	Revenue 2,90,73,000	—	2,90,73,000
		Capital 2,30,67,000	—	2,30,67,000
62	Legislative and Parliamentary Affairs Department	Revenue 1,41,12,000	—	1,41,12,000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital 5,40,000	—	5,40,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
64	Narmada Water Resources and Water Supply Department	Revenue	2,94,63,000	—	2,94,63,000
65	Narmada Development Scheme	Capital	8,80,00,13,000	—	8,80,00,13,000
66	Irrigation and Soil Conservation	Revenue	6,47,35,04,000	—	6,47,35,04,000
		Capital	2,08,75,90,000	55,47,000	2,09,31,37,000
67	Water Supply	Revenue	1,34,82,77,000	—	1,34,82,77,000
		Capital	2,41,19,33,000	—	2,41,19,33,000
68	Other expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	82,000	1,24,30,000	1,25,12,000
		Capital	18,85,30,000	—	18,85,30,000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	2,03,79,000	—	2,03,79,000
70	Community Development	Revenue	82,26,67,000	—	82,26,67,000
71	Rural Housing and Rural Development	Revenue	1,99,60,85,000	66,69,86,000	2,66,30,71,000
		Capital	1,29,67,000	—	1,29,67,000
72	Compensation and Assignments	Revenue	21,47,19,000	—	21,47,19,000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	15,68,24,000	—	15,68,24,000
		Capital	12,62,83,000	—	12,62,83,000
74	Fisheries	Revenue	16,09,60,000	—	16,09,60,000
		Capital	8,21,26,000	—	8,21,26,000
75	Other expenditure pertaining to Ports and Fisheries Department	Revenue	52,22,000	—	52,22,000
		Capital	16,47,000	—	16,47,000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
76	Revenue Department	Revenue	4,72,47,000	—	4,72,47,000
77	Tax Collection Charges (Revenue Department)	Revenue	41,09,04,000	—	41,09,04,000
78	District Administration	Revenue	46,67,30,000	—	46,67,30,000
79	Relief on Account of Natural Calamities	Revenue	2,26,61,33,000	—	2,26,61,33,000
80	Dangs District	Revenue	11,46,20,000	—	11,46,20,000
81	Compensation and Assignments.	Revenue Capital	11,51,33,000 10,67,000	11,50,000 4,67,000	11,62,83,000 15,34,000
82	Other expenditure pertaining to Revenue Department	Revenue Capital	38,91,000 2,53,90,000	1,000 —	38,92,000 2,53,90,000
83	Roads and Buildings Department	Revenue	2,98,79,000	—	2,98,79,000
84	Non-Residential Buildings	Revenue Capital	1,24,61,56,000 66,33,64,000	2,50,000 —	1,24,64,06,000 66,33,64,000
85	Residential Buildings	Revenue Capital	49,96,78,000 19,71,85,000	15,000 —	49,96,93,000 19,71,85,000
86	Roads and Bridges	Revenue Capital	3,06,18,90,000 1,46,69,83,000	16,24,000 —	3,06,35,14,000 1,46,69,83,000
87	Gujarat Capital Construction Scheme	Revenue Capital	5,07,80,000 25,51,33,000	— —	5,07,80,000 25,51,33,000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue Capital	7,23,79,000 4,55,00,000	33,69,000 —	7,57,48,000 4,55,00,000
89	Social Welfare and Tribal Development Department	Revenue	1,60,92,000	—	1,60,92,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2		3		
90	Social Security and Welfare	Revenue	1,08,20,79,000	31,33,000	1,08,52,12,000
		Capital	2,54,12,000	—	2,54,12,000
91	Welfare of Scheduled Tribe	Revenue	27,08,95,000	—	27,08,95,000
		Capital	42,60,000	—	42,60,000
92	Other expenditure pertaining to Social Welfare and Tribal Development Department	Capital	80,70,000	—	80,70,000
93	Special Component Plan for Scheduled Castes	Revenue	1,71,13,65,000	—	1,71,13,65,000
		Capital	6,59,14,000	—	6,59,14,000
94	Tribal Area Sub - Plan	Revenue	4,82,05,57,000	—	4,82,05,57,000
		Capital	1,57,18,34,000	—	1,57,18,34,000
95	Urban Development and Urban Housing Department	Revenue	1,13,11,000	—	1,13,11,000
96	Urban Housing	Revenue	11,57,73,000	18,52,67,000	30,10,40,000
97	Urban Development	Revenue	1,36,09,46,000	—	1,36,09,46,000
		Capital	1,50,00,000	—	1,50,00,000
98	Compensation, Assignment and Tax Collection Charges	Revenue	28,35,33,000	20,00,69,000	48,36,02,000
99	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	1,01,12,000	—	1,01,12,000
		Capital	9,70,000	—	9,70,000
100	Sports, Youth and Cultural Activities Department	Revenue	54,42,000	—	54,42,000
101	Youth Services and Cultural Activities	Revenue	19,68,60,000	—	19,68,60,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
102	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital 14,53,000	—	14,53,000
Total :		Revenue 75,08,10,34,000	14,90,85,47,000	89,98,95,81,000
		Capital 24,85,86,63,000	5,58,02,57,000	30,43,89,20,000
Grand Total :		99,93,96,97,000	20,48,88,04,000	1,20,42,85,01,000

STATEMENT OF OBJECTS AND REASONS

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet—

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the Expenditure charged on the Consolidated Fund of this State for the financial year ending on the 31st March, 1999.

The amounts are shown below :—

Rs.

(a) Revenue Expenditure

89,98,95,81,000

(b) Capital Expenditure

30,43,89,20,000

Total ...

1,20,42,85,01,000

Dated the 24th July, 1998.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 24th July, 1998.



सत्यमेव जयते

The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XXXIX]

MONDAY, JULY 27, 1998/SRAVANA 5, 1920

Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT SALES TAX (AMENDMENT) BILL, 1998.

GUJARAT BILL NO. 24 OF 1998.

A BILL

further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 1998. Short title and commencement.

(2) It shall come into force on the 1st August, 1998.

Guj. 1
of
1970.

2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal Act"), in section 2,— Amendment of section 2 of Guj. 1 of 1970.

(1) after clause (3), the following clause shall be inserted, namely:—

“(3A) “brand” means a particular make of goods, indicated by a trademark or a mark such as symbol, monogram or label or other method, whether registered or not;”;

(2) for clause (21), the following clause shall be substituted, namely:—

“(21) **“prohibited goods”** means the goods described in entries 2, 4, 5, 12, 15, 17, 19, 20, 21, 22, 25, 27, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 45, 46, 54, 55 and 60 in Schedule II, Part A or in entries 1 and 7 in Schedule-II, Part B and such **other** goods as the State Government may, from time to time, by notification in the *Official Gazette*, specify,”;

(3) clauses (23) and (24) shall be deleted.

(4) in clause (25), the words and figures “or 30” shall be deleted;

(5) in clause (26), for the figures and letter “15, 19A” the figures “15” shall be substituted;

Amendment of
section 3 of Guj.
1 of 1970.

3. In the principal Act, in section 3, in sub-section (4),—

(1) in clause (ii), for the words, brackets and figures “to whom clauses (i), (iii) and (iv) do not apply”, the words, brackets figures and letter “to whom clauses (ia), (i), (iii) and (iv) do not apply,” shall be substituted;

(2) in clause (iii)—

(a) for the letters and figures “Rs. 75000”, the letters and figures “Rs. 2,00,000” shall be substituted;

(b) for item (a), the following item shall be substituted, namely:—

“(a) in the case of a dealer who is an importer to whom clause (i) does not apply and the value of any taxable goods sold or purchased by him during the year exceeds Rs. 10,000 and the value of any taxable goods brought by him into the State or despatched to him from outside the State during the year exceeds Rs. 10,000, or”;

(c) in item (b), for the letters and figures “Rs. 5000”, the letters and figures “Rs. 10,000” shall be substituted;

(d) in item (c) —

(i) for the words, brackets and figure “to whom neither clause (i)” the words, brackets, figures and letter “to whom neither clause (ia) nor clause (i)” shall be substituted;

(ii) for the letters and figures “Rs. 5000” occurring at two places, the letters and figures “Rs. 10000” shall be substituted;

(3) in clause (iv),—

(a) for the letters and figures “Rs. 2,00,000”, the letters and figures “Rs. 5,00,000” shall be substituted;

(b) for the words, brackets and figures “to whom neither clause (i)”, the words, brackets, figures and letter “to whom neither clause (ia) nor clause (i)” shall be substituted;

(c) for the letters and figures “Rs. 5,000”, the letters and figures “Rs. 10,000” shall be substituted.

Amendment of
section 7 of Guj.
1 of 1970.

4. In the principal Act, in section 7, clause (iii) shall be deleted.

5. In the principal Act, in section 8, in clause (iii),—

Amendment of
section 8 of Guj. I
of 1970.

(1) for the words "a Licenced dealer, Recognised dealer" the words "a Licenced dealer" shall be substituted;

(2) for the words "a Licence dealer or a Recognised dealer" the words "a Licenced dealer" shall be substituted.

6. In the principal Act, in section 12,—

Amendment of
section 12 of Guj. I
of 1970.

(1) in clause (1),—

(a) in sub-clause (b), the word "or" occurring at the end shall be deleted;

(b) sub-clause (aa) shall be deleted;

(2) in clause (2),—

(a) in sub-clause (c), the word "or" occurring at the end shall be deleted;

(b) sub-clause (aa) shall be deleted.

7. In the principal Act, in section 13,—

Amendment of
section 13 of Guj. I
of 1970.

(1) for the words "a Licenced dealer, Recognised dealer" the words "a Licenced dealer" shall be substituted;

(2) clause (B) shall be deleted;

(3) in clause (C), sub-clause (ii) shall be deleted.

8. In the principal Act, section 15A shall be deleted.

Deletion of section
15A of Guj. I of
1970.

9. In the principal Act, in section 16, sub-section (5) shall be deleted.

Amendment of
section 16 of Guj. I
of 1970.

10. In the principal Act, in section 17, in sub-sections (1) and (2), for the figures and letters "15A, 16, 19A", the figures "16" shall be substituted;

Amendment of
section 17 of Guj. I
of 1970.

11. In the principal Act, section 19A shall be deleted.

Deletion of section
19A of Guj. I of
1970.

12. In the principal Act, in section 19B, the words "or peanut" wherever they occur, shall be deleted.

Amendment of
section 19B of
Guj. I of 1970.

13. In the principal Act, in section 29, to sub-section (3), the following proviso shall be added, namely:—

Amendment of
section 29 of Guj.
I of 1970.

"Provided that where an application is made under sub-section (2) by a dealer whose earlier certificate of registration is cancelled under clause (b) of sub-section (2) of section 30AA, the prescribed authority shall not

register the applicant nor issue to him a certificate of registration unless the applicant furnishes the declarations or returns as required by the notice served upon him under clause (a) of sub-section (2) of section 30AA in relation to the cancellation of certificate of registration and makes payment of penalty, if any, imposed under sub-section (3A) of section 45."

Deletion of section 30 of Guj. 1 of 1970.

14. In the principal Act, section 30 shall be deleted.

Amendment of section 30AA of Guj. 1 of 1970.

15. In the principal Act, section 30AA shall be renumbered as sub-section (1) of that section; and

(1) in sub-section (1) as so renumbered, in the proviso, for the words "under this section" the words "under this sub-section" shall be substituted; and

(2) after sub-section (1) as so renumbered, the following sub-sections shall be added, namely :—

"(2) (a) Where a dealer does not furnish declaration or return for three or more consecutive periods in contravention of sub-section (1) of section 40, the Commissioner shall serve on such dealer in the prescribed manner a notice requiring him on or before the date specified therein to furnish or cause to be furnished declarations or returns for the periods specified therein.

(b) Where a dealer fails to furnish declarations or returns as required by the notice served upon him under clause (a), before the expiry of the date specified therein, the Commissioner shall, without prejudice to any penalty leviable on such dealer under this Act, cancel the certificate of registration of such dealer :

Provided that notwithstanding the cancellation of a certificate of registration under this sub-section, the liability of the dealer shall continue in respect of any tax, penalty or interest for any period prior to the date of the order of the Commissioner cancelling the certificate of registration.

(3) For the purpose of cancellation of certificate of registration under sub-section (1) or clause (b) of sub-section (2), the Commissioner shall call upon the dealer to forthwith produce before him the certificate and on such production, the Commissioner shall make an endorsement of cancellation on the certificate."

Amendment of section 30B of Guj. 1 of 1970.

16. In the principal Act, in section 30B, in sub-section (1), for the words, figures and letter "section 29, 30 or 30A" the words, figures and letter "section 29 or 30A" shall be substituted;

Deletion of section 32 of Guj. 1 of 1970.

17. In the principal Act, section 32 shall be deleted.

Amendment of section 34 of Guj. 1 of 1970.

18. In the principal Act, in section 34,—

(1) the words "or Recognition" occurring at two places shall be deleted;

(2) for the words "Licence, Recognition" occurring at two places, the word "Licence" shall be substituted;

(3) for the words "Authorisation, Recognition" occurring at two places, the word "Authorisation" shall be substituted.

Amendment of
section 35 of
Guj. 1 of 1970.

19. In the principal Act, in section 35,—

(1) in sub-section (1),—

(a) in clause (a), for the words "Licenced dealer, Recognised dealer", the words "Licenced dealer" shall be substituted;

(b) in clause (b), sub-clause (ii) shall be deleted;

(c) in clause (c)—

(i) for the words "Licenced dealer, Recognised dealer", the words "Licenced dealer" shall be substituted;

(ii) for the words "Licence, Recognition" the word "Licence" shall be substituted;

(d) for the words "Licence, Recognition" occurring at three places, the word "Licence" shall be substituted;

(2) in sub-section (2),—

(a) for the words "Licenced dealer, Recognised dealer", the words "Licenced dealer" shall be substituted;

(b) for the words "Licence, Recognition", the word "Licence" shall be substituted;

(c) for the words "Licenced dealer or Recognised dealer", the words "Licenced dealer" shall be substituted;

(d) for the words "Licence or Recognition", the word "Licence" shall be substituted.

Amendment of
section 37 of
Guj. 1 of 1970.

20. In the principal Act, in section 37, for the words "Licence, Recognition", the word "Licence" shall be substituted.

Amendment of
section 39 of
Guj. 1 of 1970.

21. In the principal Act, in section 39, for the words "Licence, Recognition" occurring at two places, the word "Licence" shall be substituted.

Amendment of
section 39A of
Guj. 1 of 1970.

22. In the principal Act, in section 39A, for the words "Licence, Recognition" occurring at two places, the word "Licence" shall be substituted.

Insertion of new
section 41B in
Guj. 1 of 1970.

23. In the principal Act, after section 41AA, the following section shall be inserted, namely:—

Provisional
assessment.

"41B. (1) Where the Commissioner has reason to believe that the dealer has evaded the tax, he may, after taking into account all relevant materials gathered by him and after giving the dealer a reasonable opportunity of being heard, provisionally assess to the best of his judgement the amount of tax payable by the dealer.

(2) The provisions of this Act shall *mutatis mutandis* apply to the provisional assessment as if provisional assessment were an assessment made under this Act."

Substitution of
section 42 of
Guj. 1 of 1970.

24. In the principal Act, for section 42, the following section shall be substituted, namely;—

Time limit for
completion of as-
sessment.

"42. (1) No order of assesment for a year commencing on the 1st day of April, 1998 or part of such year or any year thereafter or part of such year shall be made under sub-section (3) or (4) of section 41 at any time

after the expiry of three years from the end of the year in which the last monthly, quarterly or, as the case may be, annual return is filed.

(2) Where the Commissioner issues a notice under sub-section (6) of section 41 to any dealer for assessment of tax in respect of any period, no order of assessment shall be made for such part of the period, if any, as is prior to—

(a) a period of eight years ending on the last date of the year immediately preceding the year in which such notice is issued, in a case where the Commissioner has reason to believe that such dealer has failed to apply for registration with intention to defraud Government revenue; and

(b) a period of four years ending on the last date as aforesaid, in any other case :

Provided that for the purpose of this section if it is considered necessary so to do, the State Government may, subject to such conditions as it may deem fit, and the Commissioner may, subject to such conditions as may be prescribed by a general or special order, extend, either generally or specially, the period specified in sub-section (1) :

Provided further that where a fresh assessment is required to be made in pursuance of any order under section 65, 67 or 69 or in pursuance of any order of any court or authority, such fresh assessment shall be made at any time within three years from the date of such order :

Provided also that in computing the period of limitation for the purpose of this section, any period by which the period of limitation is extended under the first proviso or any period during which assessment proceedings are stayed by an order or injunction of any court or authority shall be excluded."

Amendment of
section 45 of
Guj. 1 of 1970.

25. In the principal Act, in section 45,—

(1) in sub-section (3), for the words "Licence, Recognition" the word "Licence" shall be substituted;

(2) after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) If a dealer fails to furnish any declaration or any return by the prescribed date as required under sub-section (1) of section 40, the Commissioner shall impose upon such dealer by way of penalty for each declaration or return, a sum of two hundred rupees for every month or part of a month comprised in the period commencing from the day immediately after the expiry of prescribed date and ending on the date on which a declaration or return is furnished.”;

(3) in sub-section (4), for the words and figures "as required by section 40", the words, brackets and figures "as required by proviso to sub-section (1) or sub-section (2) of section 40" shall be substituted.

Amendment of
section 47 of
Guj. 1 of 1970.

26. In the principal Act, in section 47,—

(1) in sub-section (4), in clause (a), after sub-clause (ii), the following sub-clause shall be inserted, namely :—

"(iii) provisionally assessed for any period under section 41B less any sum already paid by the dealer in respect of such period.";

(2) after sub-section (4), the following sub-section shall be inserted, namely :—

"(4AA) Where provisional assessment is made in respect of any period under sub-section (1) of section 41B and thereafter assessment is made in respect of that period or part of that period under section 41, the amount of tax provisionally assessed and paid by a dealer shall be adjusted against the amount of tax assessed and payable by a dealer."

Insertion of new section 48A in Guj. 1 of 1970.

27. In the principal Act, after section 48, the following section shall be inserted, namely:—

Provisional attachment to protect revenue.

"48A. (1) Where during the pendency of any proceedings of provisional assessment or assessment of tax or reassessment of turnover escaping assessment, the Commissioner is of the opinion that for the purpose of protecting the interests of the revenue, it is necessary so to do, he may by order in writing attach provisionally any property belonging to the dealer in such manner as may be prescribed.

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1):

Provided that the Commissioner may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as he thinks fit so however that the total period shall not in any case exceed one year."

Amendment of section 57B of Guj. 1 of 1970.

28. In the principal Act, in section 57B,—

(1) after sub-section (3), the following sub-section shall be inserted, namely :—

"(3A) If a person has entered into a works contract with a contractor and the contractor has entered into a contract with a sub-contractor entrusting to the sub-contractor the carrying out of the whole or part of the work (hereinafter referred to as "the sub-contract") relating to the said works contract and the contractor has at the time of payment of the specified sale price in respect of the said sub-contract to the sub-contractor deducted an amount as tax under clause (b) of sub-section (3) and has paid the same under sub-section (6), then notwithstanding anything contained in clause (a) of the said sub-section (3), the person shall not at the time of payment of the specified sale price to the contractor deduct an amount under clause (a) of sub-section (3) equal to the amount of tax paid by the contractor under sub-section (6)."

(2) in sub-section (6),—

(i) in clause (a), for the words "within ten days from the date of deduction of the amount", the words "in such manner and within such period as may be prescribed" shall be substituted;

(ii) in clause (c), the following shall be added at the end, namely:—

"within thirty days from the date on which he obtains the receipt".

Insertion of new
section 57C in
Guj. 1 of 1970.

29. In the principal Act, in Chapter V A, after section 57B, the following section shall be inserted, namely:—

Person deducting
tax to furnish
return.

“57C. Every person deducting tax under section 57B shall furnish or cause to be furnished returns in such form and within such period as may be prescribed to the Sales Tax Officer within whose jurisdiction the person resides or carries on his business.”.

Amendment of
section 65 of
Guj. 1 of 1970.

30. In the principal Act, in section 65,—

(1) in sub-section (1), in clause (b), for the word “Commissioner”, the words “Deputy Commissioner” shall be substituted;

(2) in sub-section (2), after the words “Assistant Commissioner”, the words “or, as the case may be, by a Deputy Commissioner” shall be inserted;

(3) in sub-section (5), after the words “Assistant Commissioner”, where they occur at two places, the words “or, as the case may be, by the Deputy Commissioner” shall be inserted.

Amendment of
section 74 of
Guj. 1 of 1970.

31. In the principal Act, in section 74, in sub-section (1), in clause (a), for the words “Licence, Recognition”, the word “Licence” shall be substituted.

Amendment of
section 75 of
Guj. 1 of 1970.

32. In the principal Act, in section 75, in sub-section (1),—

(1) in clause (c), the word and figures “or 30” shall be deleted;

(2) in clause (d), for the words “Licence, Recognition”, the word “Licence” shall be substituted.

Amendment of
Schedule I of
Guj. 1 of 1970.

33. In the principal Act, in Schedule I,—

(1) in the entry at serial No. 9,—

(a) after item (15), the following item shall be inserted, namely:—

“(15A) Heart valves”;

(b) after item (19), the following item shall be inserted, namely:—

“(19A) Orthopaedic implants”;

(2) for the entry at serial No. 16, the following entry shall be substituted, namely:—

1	2	3
"16	(i) Cereals and pulses in all forms	
	(ii) Flours of cereals and pulses in all forms except Maize flour	Except when sold in sealed package under a brand ”;
	(iii) Wheat flour	

(3) in the entry at serial No. 20, in column 3, the words "except when sold in sealed package under a brand" shall be inserted;

(4) in the entry at serial No. 23, in column 2, for the words "Twenty five rupees", the words "Seventy five rupees" shall be substituted;

(5) in the entries at serial Nos. 31 and 34, in column 3, the words "except when sold in sealed package under a brand" shall be inserted.

Amendment of
Schedule II Part
A of Guj. I of
1970.

34. In the principal Act, in Schedule II, in Part A,—

(1) entry at serial No. 1 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be added, namely :—

1	2	3	4
"(ii)	Fly ash of coal	Four paise in the rupee	Four paise in the rupee";

(2) in the entry at serial No. 12, in columns 3 and 4, for the words "two paise", the words "one paisa" shall be substituted;

(3) in the entry at serial No. 21, in columns 3 and 4, for the words "six paise", the words "four paise" shall be substituted;

(4) entry at serial No. 23 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be inserted, namely :—

1	2	3	4
"(ii)	Oil cakes	Two paise in the rupee	Two paise in the rupee";

(5) for the entry at serial No. 24, the following entry shall be substituted, namely:—

1	2	3	4
"24.	Drilling rigs of all types and spare parts and accessories thereof	Four paise in the rupee	Four paise in the rupee";

(6) the entry at serial No. 35, shall be renumbered as sub-entry (i) of that entry, and after the sub-entry (i) as so renumbered, the following sub-entry shall be added, namely :—

1	2	3	4
"(ii)	Burnt ash of lignite.	Four paise in the rupee	Four paise in the rupee";

(7) in the entry at serial No. 43, in columns 3 and 4, for the words "Six paise", the words "Four paise" shall be substituted;

(8) in the entry at serial No. 44, after item (viii), the following item shall be inserted, namely:—

1	2	3	4
“(viii-a)	Empty cylinders of gas of all types.	Six paise in the rupee	Six paise in the rupee”;

(9) in the entry at serial No. 71, in columns 3 and 4, for the words “Six paise”, the words “Four paise” shall be substituted;

(10) after the entry at serial No. 79, the following entry shall be inserted, namely:—

1	2	3	4
“79A.	Camphor	Four paise in the rupee	Four paise in the rupee”;

(11) in the entry at serial No. 85,—

(i) in sub-entry (i), the words “other than watch cases” shall be added at the end;

(2) after sub-entry (ii), the following sub-entry shall be inserted, namely:—

1	2	3	4
“(iii)	Watch cases	Four paise in the rupee	Four paise in the rupee”;

(12) in the entry at serial No. 88, in column 2, for the words “Twenty five rupees”, the words “Seventy five rupees” shall be substituted;

(13) after the entry at serial No. 100, the following entry shall be inserted, namely:—

1	2	3	4
“100A.	The following goods not falling under any other entry in this Schedule when sold in sealed packages under a brand		
(i)	Flours of cereals and pulses in all forms other than wheat flour	Two paise in the rupee	Two paise in the rupee.
(ii)	Powder of chillies, tamarind or turmeric or powder of any other masala.	Two paise in the rupee	Two paise in the rupee,

1	2	3	4
(iii)	<i>Farsan</i> that is to say, eatables, (other than sweet preparations) prepared wholly or mainly from gram or other pulses or gram flour or flour of other pulses and such preparations as the State Government may by notification in the <i>Official Gazette</i> specify for the purpose of this entry.	Two paise in the rupee	Two paise in the rupee.
(iv)	Fish and all sea food	Two paise in the rupee	Two paise in the rupee."

(14) in the entry at serial No. 104, in sub-entry (ii), in columns 3 and 4, for the words "Fifteen paise" the words "Eight paise" shall be substituted.

(15) after entry at serial No. 111, the following entry shall be inserted, namely :—

1	2	3	4
"111A.	Hydraulic jacks for trailers of tractors	Four paise in the rupee	Four paise in the rupee".

(16) in the entry at serial No. 113, in columns (3) and (4), for the words "Fifteen paise" the words "Eight paise" shall be substituted;

(17) in the entry at serial No. 119, in columns 3 and 4, for the words "Four paise in the rupee", the words "One paise in the rupee" shall be substituted;

(18) after the entry at serial No. 133, the following entry shall be inserted, namely :—

1	2	3	4
"133A.	Peanut	Four paise in the rupee	Four paise in the rupee".

(19) in the entry at serial No. 159, in columns 3 and 4, for the words "Six paise" the words "Four paise" shall be substituted;

(20) the entry at serial No. 173 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be inserted, namely :—

1	2	3	4
"(ii)	Saw dust	Eight paise in the rupee	Eight paise in the rupee".

(21) in entry at serial No. 184B, in columns (3) and (4), for the words "Six paise", the words "~~Four~~ paise" shall be substituted;

(22) in the entry at serial No. 195, the figures and letter "19A" shall be deleted.

Amendment of
Schedule III to
Guj. I of 1970.

35. In the principal Act, in Schedule III, after the entry 18, the following entries shall be added, namely :—

"19. Heavy equipments such as cranes.

20. Telephones.

21. Patents, trade marks and brands."

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Gujarat Sales Tax Act, 1969 with a view to giving effect to the proposals contained in the Budget speech of the Finance Minister in the Legislative Assembly on the 30th June, 1998.

VAJUBHAI VALA

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects :—

Clause 2.—Clause (21) proposed to be substituted by sub-clause (2) of this clause empowers the state Government to specify by notification in the *Official Gazette*, any other goods as prohibited goods.

Clause 15.—New sub-section (2) of section 30AA proposed to be inserted by this clause empowers the State Government to prescribe by rules the manner in which the Commissioner shall serve notice on the dealer.

Clause 24.—The proviso to sub-section (2) of section 42 proposed to be substituted by this clause empowers the State Government to prescribe by rules the conditions subject to which the Commissioner may extend the period specified in sub-section (1) of section 42.

Clause 28.—Clause (a) of sub-section (6) of section 57B proposed to be substituted by this clause empowers the State Government to prescribe by rules the manner and period for depositing the amount of tax in Government treasury.

Clause 29.—New section 57C proposed to be inserted by this clause empowers the State Government to prescribe by rules the form and the period within which the return shall be furnished to the Sales Tax Officers.

Clause 34.—Sub-entry (iii) of entry 100A proposed to be inserted by this clause empowers the State Government to specify by notification in the *Official Gazette*, any other preparation as Farsan.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 27th July, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 27th July, 1998.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules.

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) BILL, 1998.

GUJARAT BILL NO. 25 OF 1998.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1984.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) Act, 1998. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed, amounting in the aggregate to the sum of seventy-eight crores, sixty-two lakhs, fifty-nine thousand, six hundred and twenty-seven rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1984 in respect of the services and purposes specified in column 2 of the Schedule. Issue of:
Rs.78,62,59,627
from and out of
the Consolidated Fund of
the State of
Gujarat for the
financial
year 1983-84.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1984. Appropriation.

SCHEDULE
(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3	
		Rs.	Rs.	Rs.
1	Agriculture and Forests Department	Revenue —	2,31,838	2,31,838
2	Agriculture	Revenue —	62,06,931	62,06,931
5	Forests	Revenue 19,684	46,32,818	46,52,502
7	Buildings and Communications Department	Revenue —	10,44,936	10,44,936
8	Non-Residential Buildings	Revenue —	5,55,34,561	5,55,34,561
		Capital —	3,19,05,008	3,19,05,008
9	Residential Buildings	Revenue —	4,17,15,179	4,17,15,179
		Capital —	4,27,46,632	4,27,46,632
10	Roads and Bridges	Revenue —	20,53,89,969	20,53,89,969
11	Gujarat Capital Construction Scheme	Capital —	71,46,080	71,46,080
12	Other Expenditure pertaining to Buildings and Communica- tions Department	Revenue 10,03,468	59,05,165	69,08,633
13	Co-operation Department	Revenue —	32,530	32,530
14	Co-operation	Revenue —	53,13,360	53,13,360
16	Education Department	Revenue —	71,627	71,627
17	Education	Revenue —	1,36,07,912	1,36,07,912
18	Other Expenditure pertaining to Education Department	Revenue —	2,11,185	2,11,185
		Capital —	2,54,778	2,54,778
20	Tax Collection Charges (Finance Department)	Revenue —	10,82,114	10,82,114
23	Other Expenditure pertaining to Finance Department	Capital —	7,22,29,736	7,22,29,736
25	Food and Civil Supplies Department	Revenue —	2,12,356	2,12,356
27	Food	Revenue —	9,29,759	9,29,759
31	Elections	Revenue —	2,88,939	2,88,939
35	Other Expenditure pertaining to General Administration Department	Capital —	2,27,936	2,27,936
38	Health and Family Welfare Department	Revenue —	1,69,174	1,69,174
39	Medical	Revenue —	1,25,04,682	1,25,04,682
41	Public Health	Capital —	8,63,101	8,63,101
43	Home Department	Revenue —	1,14,397	1,14,397

No. of Excess Demand/ Appropriation	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3	
		Rs.	Rs.	Rs.
44	Tax Collection Charges (Home Department)	Revenue —	10,99,137	10,99,137
45	Police	Revenue —	3,66,70,108	3,66,70,108
48	Other Expenditure pertaining to Home Department	Revenue 1,67,355	—	1,67,355
49	Industries, Mines and Power Department	Revenue —	1,38,932	1,38,932
52	Industries	Revenue —	14,92,230	14,92,230
		Capital —	6,31,51,305	6,31,51,305
57	Irrigation Department	Revenue —	11,38,32,838	11,38,32,838
		Capital 2,199	—	2,199
58	Other Expenditure pertaining to Irrigation Department	Capital —	1,20,12,564	1,20,12,564
59	Labour and Employment Department	Revenue —	2,27,641	2,27,641
62	Legal Department	Revenue —	69,163	69,163
63	Administration of Justice	Revenue 1,54,905	53,02,085	54,56,990
64	Other Expenditure pertaining to Legal department	Revenue —	91,946	91,946
65	Panchayats, Housing and Urban Development Department	Revenue —	83,064	83,064
66	Community Development	Capital 18,840	—	18,840
67	Housing	Revenue —	12,55,130	12,55,130
69	Compensation, Assignment and Tax Collection Charges	Revenue 149	—	149
70	Other Expenditure pertaining to Panchayats, Housing and Urban Development Department	Revenue —	1,49,46,326	1,49,46,326
		Capital —	8,16,970	8,16,970
71	Ports and Fisheries Department	Revenue —	53,082	53,082
72	Ports	Revenue —	20,78,263	20,78,263
73	Fisheries	Revenue —	4,41,390	4,41,390
74	Other Expenditure pertaining to Ports and Fisheries Department	Capital —	15,082	15,082
75	Revenue Department	Revenue —	2,35,114	2,35,114

No. of Excess Demand/ Appropriation	Services and purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2			3	
			Rs.	Rs.	Rs.
76	Tax Collection Charges (Revenue Department)	Revenue	—	1,06,35,000	1,06,35,000
77	District Administration	Revenue	—	28,37,692	28,37,692
79	Dangs District	Revenue	—	9,91,028	9,91,028
80	Compensation and Assignments	Revenue	—	2,01,823	2,01,823
82	Social Welfare and Tribal Development Department	Revenue	—	3,30,569	3,30,569
83	State Excise	Revenue	—	1,22,539	1,22,539
84	Social Security and Welfare	Revenue	—	51,89,303	51,89,303
	Total	Revenue	13,45,561	55,35,23,835	55,48,69,396
	Total	Capital	21,039	23,13,69,192	23,13,90,231
	Grand Total		13,66,600	78,48,93,027	78,62,59,627

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty-first day of March, 1984.

The amounts are shown below :—

(a) Revenue Expenditure	...	...	...	Rs.	55,48,69,396
(b) Capital Expenditure	...	...	...	Rs.	23,13,90,231
Total	...	...	...	Rs.	78,62,59,627

Dated the 27th July, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Guja

KUM. H. K. JHAVERI,
Secretary to the Government of Guja
Legislative and Parliamentary Affairs Departm

Gandhinagar, dated the 27th July, 1998.



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may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) (SECOND) BILL, 1998.

GUJARAT BILL NO. 26 OF 1998.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1985.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) (Second) Act, 1998. Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of fifty-two crores, sixty-six lakhs, eighty-four thousand, eight hundred and seven rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1985 in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 52,66,84,807 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1984-85.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1985. Appropriation.

SCHEDULE
(See sections 2 and 3)

No. of Excess Demand/ Appropriation.	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund.	Voted by the Legislative Assembly.	Total.
1	2		3	
		Rs.	Rs.	Rs.
4	Animal Husbandry and Dairy Development	Capital	6,67,000	6,67,000
9	Education Department	Revenue	4,04,777	4,04,777
11	Other Expenditure pertaining to Education Department	Revenue	2,29,893	2,29,893
		Capital	17,52,649	17,52,649
15	Pensions and other retirement benefits	Revenue	1,02,78,234	1,02,78,234
20	Food	Revenue	3,90,930	3,90,930
23	Forests	Revenue	62,32,060	62,32,060
30	General Administration Department	Revenue	4,18,298	4,18,298
35	Health and Family Welfare Department	Revenue	5,13,903	5,13,903
38	Public Health	Capital	55,76,069	55,76,069
39	Other Expenditure pertaining to Health and Family Welfare Department	Capital	19,25,274	19,25,274
45	Industries, Mines and Power Department	Revenue	1,64,551	1,64,551
47	Stationery and Printing	Revenue	35,74,909	35,74,909
52	Information, Broadcasting and Tourism Department	Revenue	86,983	86,983
53	Information, Publicity and Tourism	Capital	4,51,151	4,51,151
54	Tourism	Capital	1,10,334	1,10,334
57	Irrigation and Soil Conservation	Revenue	10,33,52,640	10,33,52,640
61	Other Expenditure pertaining to Labour and Employment Department	Capital	2,42,859	2,42,859
62	Legal Department	Revenue	1,47,302	1,47,302
63	Administration of Justice	Revenue	60,37,514	60,37,514
64	Other Expenditure pertaining to Legal Department	Revenue	1,58,778	1,58,778
65	Panchayats and Rural Housing Department	Revenue	2,54,724	2,54,724

No. of Excess Demand/ Appropriation	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund.	Voted by the Legislative Assembly.	Total.
1	2	3		
		Rs.	Rs.	Rs.
67	Rural Housing	Revenue	—	7,45,480
71	Ports	Revenue	—	17,72,361
		Capital	—	1,08,18,853
75	Tax Collection Charges (Revenue Department)	Revenue	—	94,81,983
76	District Administration	Revenue	—	40,13,234
79	Compensation and Assignments	Revenue	—	5,26,549
81	Roads and Building Department	Revenue	—	14,43,348
82	Non-Residential Buildings	Revenue	—	5,04,36,174
		Capital	—	2,18,29,332
83	Residential Buildings	Revenue	—	1,76,23,673
		Capital	—	73,54,001
84	Roads and Bridges	Revenue	—	16,25,00,167
		Capital	—	2,22,81,751
85	Gujarat Capital Construction Scheme	Capital	—	97,41,571
86	Other Expenditure pertaining to Roads and Buildings Department	Revenue	—	52,45,521
87	Social Welfare Department	Revenue	—	48,950
88	State Excise	Revenue	—	3,56,689
89	Social Security and Welfare	Revenue	—	1,08,72,967
94	Other Expenditure pertaining to Tribal Development Department	Capital	—	5,40,755
95	Tribal Area Sub Plan	Capital	—	4,60,59,214
99	Compensation, Assignment and Tax Collection charges	Revenue	21,402	—
Total,		Revenue	21,402	39,73,12,592
Total,		Capital	—	12,93,50,813
Grand Total :			21,402	52,66,63,405
				52,66,84,807

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty-first day of March, 1985.

The amounts are shown below :—

(a) Revenue Expenditure	.. ..	Rs. 39,73,33,994
(b) Capital Expenditure	.. ..	Rs. 12,93,50,813
Total	..	<u>Rs. 52,66,84,807</u>

Dated the 27th July, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 27th July, 1998.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) (THIRD)

BILL, 1998.

GUJARAT BILL NO. 27 OF 1998.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1986.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) (Third) Act, 1998.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed, amounting in the aggregate to the sum of ninety-one crores, thirty-three lakhs, eighty thousand, one hundred and forty-nine rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1986 in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Rs. 91,33,80,149 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1985-86.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1986.

SCHEDULE
(See sections 2 and 3)

No. of Excess Demand/ Appro- priation	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2	3		
		Rs.	Rs.	Rs.
4	Animal Husbandry and Dairy Development	Capital	—	9,50,856
				9,50,856
7	Co-operation	Capital	—	85,06,750
				85,06,750
9	Education Department	Revenue	—	1,75,656
15	Pensions and other retirement benefit	Revenue	—	12,29,22,291
				12,29,22,291
17	Repayment of debt pertaining to Finance Department and its Servicing	Capital	10,37,19,009	—
				10,37,19,009
22	Forests and Environment Department	Revenue	—	88,841
				88,841
23	Forests	Revenue	—	61,67,115
				61,67,115
29	Public Service Commission	Revenue	88,327	—
35	Health and Family Welfare Department	Revenue	—	88,327
				88,327
36	Medical	Revenue	—	6,78,820
				6,78,820
37	Family Welfare	Revenue	—	3,15,20,440
				3,15,20,440
38	Public Health	Revenue	—	11,75,522
				11,75,522
39	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	—	19,49,920
				19,49,920
40	Home Department	Revenue	—	7,37,121
				7,37,121
42	Police	Revenue	—	22,903
				22,903
43	Jails	Revenue	—	3,94,30,408
				3,94,30,408
44	Other Expenditure pertaining to Home Department	Revenue	—	24,81,218
				24,81,218
45	Industries, Mines and Power Department	Revenue	—	27,43,935
				27,43,935
		Revenue	—	2,20,468
				2,20,468

No. of Excess Demand/ Appre- priation	Services and purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2			3	
			Rs.	Rs.	Rs.
47	Stationery and Printing	Revenue	—	2,58,53,367	2,58,53,367
52	Information, Broadcasting and Tourism Department	Revenue	—	22,971	22,971
56	Irrigation Department	Revenue	—	1,14,697	1,14,697
57	Irrigation and Soil conservation	Revenue	—	20,29,40,078	20,29,40,078
		Capital	—	4,57,81,875	4,57,81,875
64	Other Expenditure pertaining to Legal Department	Revenue	—	2,57,843	2,57,843
65	Narmada Development Department	Revenue	—	1,07,706	1,07,706
66	Narmada Development Scheme	Revenue	—	11,78,25,062	11,78,25,062
68	Panchayats and Rural Housing Department	Revenue	—	2,858	2,858
74	Ports	Revenue	—	3,59,885	3,59,885
77	Revenue Department	Revenue	—	53,938	53,938
78	Tax Collection Charges (Revenue Department)	Revenue	—	6,43,279	6,43,279
79	District Administration	Revenue	—	67,05,018	67,05,018
85	Non-Residential Buildings	Revenue	—	6,09,10,195	6,09,10,195
86	Residential Buildings	Revenue	—	2,22,44,249	2,22,44,249
		Capital	—	3,31,23,687	3,31,23,687
87	Roads and Bridges	Revenue	—	4,97,87,149	4,97,87,149
		Capital	—	1,46,93,110	1,46,93,110

No. of Excess Demand/ Appropriation	Services and purposes	Sums not exceeding			
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total	
1	2		3		
		Rs.	Rs.	Rs.	
89	Other Expenditure pertaining to Roads and Buildings Department	Revenue Capital	7,33,275 —	45,80,265 70,063	53,13,540 70,063
91	State Excise	Revenue	—	2,40,254	2,40,254
95	Tribal Development Department	Revenue	—	1,784	1,784
97	Other Expenditure pertaining to Tribal Development Department	Capital	—	2,26,410	2,26,410
100	Urban Housing	Revenue Capital	— —	5,16,469 20,00,000	5,16,469 20,00,000
102	Compensation, Assignment and Tax Collection Charges	Revenue	—	5,062	5,062
Total :		Revenue	8,21,602	70,34,86,787	70,43,08,389
Total :		Capital	10,37,19,009	10,53,52,751	20,90,71,760
Grand Total :			10,45,40,611	80,88,39,538	91,33,80,149

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty-first day of March, 1986.

The amounts are shown below :—

(a) Revenue Account	...	...	...	Rs.	70,43,08,389
(b) Capital Account	...	...	...	Rs.	20,90,71,760
Total :	...	...	...	Rs.	91,33,80,149

Dated the 27th July, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 27th July, 1998.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) (FOURTH) BILL, 1998.

GUJARAT BILL NO. 28 OF 1998.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1987.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) Short title.
(Fourth) Act, 1998.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of one hundred fifteen crores, sixty lakhs, seventy-nine thousand, seven hundred and forty-eight rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1987 in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
Rs. 1,15,60,79,
748 from and
out of the Con-
solidated Fund
of the State of
Gujarat for the
financial
year 1986-87.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1987.

Appropriation.

SCHEDULE
(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and purposes	Sum not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3	
		Rs.	Rs.	Rs.
1	Agriculture and Rural Development Department	Revenue	—	1,89,135
4	Animal Husbandry and Dairy Development	Revenue	—	1,63,646
6	Co-operation Department	Revenue	—	42,137
7	Co-operation	Capital	—	5,28,44,850
8	Other expenditure pertaining to Co-operation Department	Capital	—	77,434
13	Tax Collection Charges (Finance Department)	Revenue	11,662	11,70,294
15	Pensions and Other Retirement Benefits	Revenue	1,03,51,858	—
18	Food and Civil Supplies Department	Revenue	—	3,50,109
19	Civil Supplies	Capital	—	2,30,921
20	Food	Capital	—	2,06,604
23	Forests	Revenue	—	1,24,510
24	Environment	Revenue	—	3,796
29	Public Service Commission	Revenue	1,26,582	—
36	Medical	Revenue	—	4,28,063
38	Public Health	Capital	—	4,89,98,775
42	Police	Revenue	—	1,39,68,410
43	Jails	Revenue	—	41,97,066
44	Other expenditure pertaining to Home Department	Capital	—	3,20,98,839

No. of Excess Demand/ Appropriation	Services and purposes	Sum not exceeding			
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total	
1	2	3			
		Rs.	Rs.	Rs.	
45	Industries, Mines and Energy Department	Revenue	—	4,56,523	4,56,523
47	Stationary and Printing	Revenue	—	1,13,19,784	1,13,19,784
48	Industries	Capital	—	9,45,48,483	9,45,48,483
49	Mines and Minerals	Capital	—	2,50,00,000	2,50,00,000
50	Energy Projects	Revenue	—	1,44,38,569	1,44,38,569
		Capital	—	52,00,00,000	52,00,00,000
51	Other expenditure pertaining to Industries, Mines and Energy Department	Capital	—	47,90,893	47,90,893
56	Irrigation Department	Revenue	—	10,29,263	10,29,263
57	Irrigation and Soil Conservation	Revenue	—	19,63,07,905	19,63,07,905
		Capital	—	6,12,33,909	6,12,33,909
58	Other expenditure pertaining to Irrigation Department	Capital	—	3,26,122	3,26,122
68	Panchayats and Rural Housing Department	Revenue	69,825	1,74,925	2,44,750
73	Ports and Fisheries Department	Revenue	—	2,339	2,339
74	Ports	Revenue	—	34,633	34,633
80	Relief on account of Natural Calamities	Revenue	252	—	252
81	Dang District	Revenue	—	7,19,877	7,19,877
85	Non-Residential Buildings	Revenue	—	54,05,239	54,05,239
86	Residential Buildings	Capital	41,383	1,20,44,689	1,20,86,072
87	Roads and Bridges	Revenue	1,47,860	1,91,41,829	1,92,89,689
		Capital	—	18,73,037	18,73,037

No. of Excess Demand/ Appropriation	Services and purposes	Sum not exceeding			
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total	
1	2	3			
		Rs.	Rs.	Rs.	
88	Gujarat Capital Construction Scheme	Capital	—	39,51,578	39,51,578
89	Other expenditure pertaining to Roads and Buildings Department	Revenue	—	30,87,545	30,87,545
95	Tribal Development Department	Revenue	—	22,797	22,797
98	Tribal Area Sub-Plan	Capital	—	1,41,55,416	1,41,55,416
100	Urban Housing	Revenue	62,246	—	62,246
103	Other expenditure pertaining to Urban Development and Urban Housing Department	Capital	—	1,08,136	1,08,136
Total :		Revenue	1,07,70,285	27,27,78,394	28,35,48,679
Total :		Capital	41,383	87,24,89,686	87,25,31,069
Grand Total :			1,08,11,668	1,14,52,68,080	1,15,60,79,748

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty-first day of March, 1987.

The amounts are shown below :—

(a) Revenue Account	...	...	...	Rs.	28,35,48,679
(b) Capital Account	...	...	...	Rs.	87,25,31,069
Total :	...	...	...	Rs.	1,15,60,79,748

Dated the 27th July, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 27th July, 1998.

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the
proviso to rule 127 A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) (FIFTH) BILL, 1998.

GUJARAT BILL NO. 29 OF 1998.

A BILL

to authorise payment and appropriation of certain further sums from and out of the
Consolidated Fund of the State of Gujarat for the services of the financial year
ending on the thirty-first day of March, 1988.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) Short title.
(Fifth) Act, 1998.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid
and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed
amounting in the aggregate to the sum of two hundred ninety crores, thirteen lakhs, forty-
three thousand, three hundred and seventy-five rupees towards defraying the several
charges which have come in course of payment during the financial year ending on the
thirty-first day of March, 1988 in respect of the services and purposes specified in
column 2 of the Schedule.

Issue of
Rs.2,90,13,43,
375 from and
out of the Con-
solidated Fund
of the State of
Gujarat for the
financial
year 1987-88.

3. The sums authorised to be paid and applied from and out of the Consolidated
Fund of the State of Gujarat by this Act shall be deemed to have been appropriated
for the services and purposes expressed in the Schedule in relation to the financial
year ending on the thirty-first day of March, 1988.

SCHEDULE
(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and purposes	Sums not exceeding			
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total	
1	2	3			
		Rs.	Rs.	Rs.	
7	Co-operation	Capital	—	5,29,99,610	5,29,99,610
9	Education Department	Revenue	—	40,365	40,365
15	Pensions and other Retirement Benefits	Revenue	—	16,67,28,113	16,67,28,113
16	Payment of Debt pertaining to Finance Department and its Servicing	Capital	39,38,000	—	39,38,000
17	Other expenditure pertaining to Finance Department	Capital	85,55,71,963	—	85,55,71,963
18	Civil Supplies	Revenue	—	3,04,404	3,04,404
20	Food	Revenue	—	4,89,303	4,89,303
23	Forests	Revenue	—	25,51,531	25,51,531
31	Economic Advice and Statistics	Revenue	—	1,03,754	1,03,754
36	Medical and Public Health	Revenue	—	1,86,54,961	1,86,54,961
40	Home Department	Revenue	—	2,22,996	2,22,996
41	Police	Revenue	—	9,60,91,166	9,60,91,166
44	Industries, Mines and Energy	Revenue	—	9,55,751	9,55,751
51	Information, Broadcasting and Tourism Department	Revenue	—	73,075	73,075
53	Tourism	Capital	—	66,161	66,161
55	Irrigation Department	Revenue	—	11,09,039	11,09,039
57	Other expenditure pertaining to Irrigation Department	Revenue	10,646	—	10,646
65	Narmada Development Scheme	Capital	2,03,920	—	2,03,920

No. of Excess Demand/ Appropriation	Services and purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2			3	
			Rs.	Rs.	Rs.
66	Other expenditure pertaining to Narmada and Water Resources Department	Capital	—	1,04,160	1,04,160
67	Panchayats and Rural Housing	Revenue	—	2,34,800	2,34,800
74	Transport	Revenue	—	17,42,46,852	17,42,46,852
78	Tax Collection Charges (Revenue Department)	Revenue	—	11,75,159	11,75,159
79	District Administration	Revenue	—	40,08,555	40,08,555
80	Relief on account of Natural Calamities	Revenue	—	1,48,26,72,891	1,48,26,72,891
81	Dang District Special Area Programme	Revenue	—	11,14,244	11,14,244
84	Roads and Buildings	Revenue	—	31,89,328	31,89,328
85	Non-Residential Buildings	Revenue	—	8,78,889	8,78,889
		Capital	99,892	—	99,892
87	Roads and Bridges	Revenue	5,19,500	2,36,83,450	2,42,02,950
89	Other expenditure pertaining to Roads and Buildings Department	Revenue	—	65,61,652	65,61,652
91	State Excise	Revenue	—	7,02,192	7,02,192
97	Other expenditure pertaining to Tribal Development Department	Capital	—	18,74,407	18,74,407
103	Other expenditure pertaining to Urban Development and Urban Housing Department	Capital	—	1,62,646	1,62,646
Total :		Revenue	530,146	1,98,57,92,470	1,98,63,22,616
Total :		Capital	85,98,13,775	5,52,06,984	91,50,20,759
Grand Total :			86,03,43,921	2,04,09,99,454	2,90,13,43,375

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys, required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty-first day of March, 1988.

The amounts are shown below :—

(a) Revenue Account	.. .. .	Rs.	1,98,63,22,616
(b) Capital Account	.. .. .	Rs.	91,50,20,759
Total ..			Rs. 2,90,13,43,375

Dated the 27th July, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 27th July, 1998.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE)

(SIXTH) BILL, 1998.

GUJARAT BILL NO. 30 OF 1998.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1991.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) Short title.
(Sixth) Act, 1998.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of one hundred fifty crores, fifty-nine lakhs, fourteen thousand, six hundred and forty-one rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1991 in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Rs.
1,50,59,14,641
from and out of
the Consoli-
dated Fund of
the State of
Gujarat for the
financial
year 1990-91.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1991.

Appropriation.

SCHEDULE
(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and purposes	Sum not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2	3		
		Rs.	Rs.	Rs.
3	Minor Irrigation and Soil Conservation and Area Development	Revenue	—	95,16,899
				95,16,899
4	Animal Husbandry and Dairy Development	Revenue	—	36,54,297
		Capital	—	39,32,000
				39,32,000
6	Co-operation	Capital	—	5,72,06,599
				5,72,06,599
9	Education	Capital	—	70,65,820
				70,65,820
14	Pensions and Other Retirement Benefits	Revenue	—	8,98,54,138
				8,98,54,138
19	Food	Revenue	—	3,95,988
		Capital	—	17,585
				17,585
22	Forests	Revenue	—	47,95,738
		Capital	—	18,29,981
				18,29,981
37	Water Supply	Revenue	—	5,50,547
				5,50,547
39	Home Department	Revenue	—	8,03,000
				8,03,000
40	Police	Revenue	—	1,98,21,842
				1,98,21,842
41	Jails	Revenue	—	4,022
				4,022
42	Transport	Revenue	—	47,29,45,022
				47,29,45,022
43	Other Expenditure pertaining to Home Department	Capital	—	1,25,90,317
				1,25,90,317
46	Stationery and Printing	Revenue	—	3,08,61,921
				3,08,61,921
48	Mines and Minerals	Revenue	—	8,52,823
				8,52,823

No. of Excess Demand/ Appropriation	Services and purposes		Sum not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2			3	
			Rs.	Rs.	Rs.
49	Energy Projects	Revenue	—	2,01,573	2,01,573
		Capital	—	11,99,99,000	11,99,99,000
50	Other expenditure pertaining to Industries, Mines and Energy Department	Capital	—	5,42,093	5,42,093
53	Tourism	Capital	—	50,00,000	50,00,000
54	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue	—	27,18,021	27,18,021
55	Labour and Employment Department	Revenue	—	49,031	49,031
62	Narmada Development Scheme	Capital	—	19,18,79,017	19,18,79,017
63	Irrigation and Soil Conservation	Revenue	—	10,87,08,164	10,87,08,164
64	Other expenditure pertaining to Narmada and Water Resources Department	Revenue	3,61,574	—	3,61,574
65	Panchayats and Rural Housing Department	Revenue	—	1,26,857	1,26,857
67	Rural Housing	Revenue	—	2,51,94,502	2,51,94,502
69	Other expenditure pertaining to Panchayats and Rural Housing Department	Capital	—	32,50,970	32,50,970
72	District Administration	Revenue	—	86,12,379	86,12,379
74	Dangs District	Revenue	—	36,28,965	36,28,965

No. of Excess Demand/ Appropriation	Services and purposes	Sum not exceeding		
		Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2	3		
		Rs.	Rs.	Rs.
75	Compensations and Assignments	Revenue 25,361 Capital 5,14,487	— —	25,361 5,14,487
77	Roads and Buildings Department	Revenue —	46,54,965	46,54,965
78	Non-Residential Buildings	Revenue —	12,19,270	12,19,270
80	Roads and Bridges	Revenue — Capital —	19,89,67,472 8,64,94,251	19,89,67,472 8,64,94,251
83	Other expenditure pertaining to Roads and Buildings Department	Revenue —	12,42,498	12,42,498
86	Social Security and Welfare	Revenue —	88,94,974	88,94,974
87	Welfare of Scheduled Tribes	Capital —	8,01,896	8,01,896
89	Special Component Plan for Scheduled Caste	Revenue — Capital —	4,03,064 1,11,75,263	4,03,064 1,11,75,263
91	Urban Development and Urban Housing Department	Revenue —	61,692	61,692
92	Urban Housing	Revenue —	2,763	2,763
93	Urban Development	Capital —	44,86,000	44,86,000
Total :		Revenue 3,86,935	99,87,42,427	99,91,29,362
Total :		Capital 5,14,487	50,62,70,792	50,67,85,279
Grant Total :		9,01,422	1,50,50,13,219	1,50,59,14,641

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty-first day of March, 1991.

The amounts are shown below :—

(a) Revenue Account	.. ..	Rs. 99,91,29,362
(b) Capital Account	.. ..	Rs. 50,67,85,279
Total	.. ..	Rs. 1,50,59,14,641

Dated the 27th July, 1998.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 27th July, 1998.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :—

THE GUJARAT SALARIES AND ALLOWANCES OF MEMBERS, SPEAKER AND DEPUTY SPEAKER OF THE GUJARAT LEGISLATIVE ASSEMBLY, MINISTERS AND LEADER OF THE OPPOSITION LAWS (AMENDMENT) BILL, 1998.

GUJARAT BILL NO. 31 OF 1998.

A BILL

*further to amend the Laws relating to salaries and allowances of
Members, Speaker and Deputy Speaker of the Gujarat Legislative
Assembly, Ministers and Leader of the Opposition.*

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 1998. Short title and commencement.

(2) It shall come into force on the 1st August, 1998.

2. The enactments specified in column 2 of the Schedule shall be amended to the extent and in the manner specified in column 3 of the said Schedule. Amendment of certain enactments.

SCHEDULE
(See section 2)

No.	Name of the enactment	Extent of Amendments.
1	2	3
1.	The Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Guj. II of 1960).	<p data-bbox="699 472 1214 562">1. In section 3,— (1) in sub-section (1), for the figures "750", the figures "1,500" shall be substituted ; (2) in sub-section (2), for the figures "750", the figures "1,500" shall be substituted.</p> <p data-bbox="699 719 1214 808">2. In section 4, in clauses (a) and (b), for the figures "100", the figures "150" shall be substituted.</p> <p data-bbox="699 846 922 875">3. In section 5B,—</p> <p data-bbox="699 920 1214 1077">(1) for the words "first class or any other class the fare for which does not exceed that for the first class", the words "first class or by second class air conditioned" shall be substituted;</p> <p data-bbox="699 1088 938 1122">(2) in the proviso,—</p> <p data-bbox="719 1122 1214 1211">(a) for the words "or any one other member" wherever they occur, the words "and two other members" shall be substituted;</p> <p data-bbox="719 1234 1214 1323">(b) for the figures "7500" and "15,000", the figures "10,000" and "20,000" shall be substituted respectively ;</p> <p data-bbox="699 1368 1214 1480">(3) in the <i>Explanation</i>, for the words "or any one other member" wherever they occur, the words "and two other members" shall be substituted.</p> <p data-bbox="699 1525 895 1559">4. In section 6,—</p> <p data-bbox="719 1603 1214 1749">(1) in sub-section (1), for the words "be provided with one free non-transferable pass entitling him", the words "on the production of identity card, be entitled" shall be substituted;</p> <p data-bbox="719 1794 1214 1883">(2) in sub-section (2), for the words "such pass", the words "such identity card" shall be substituted;</p> <p data-bbox="719 1917 1214 2036">(3) in sub-section (3), in the proviso, for the words "or any one other member", the words "and two other members" shall be substituted.</p>

1	2	3
		5. After section 6, the following section shall be inserted, namely:—
	Travel facilities by air.	"6AB. Any member may undertake or perform journey alongwith co- traveller by air from the nearest airport from his residence to and fro Delhi on three occasions in each year: Provided that difference between the fare for journey by air and the fare for journey by railway by first class or by second class air conditioned, whichever is higher, shall be borne by the member."
		6. In section 6AA,—
		(1) for the words "or any one other member", the words "and two other members" shall be substituted;
		(2) for the words "spouse or the members", the words "spouse and the members" shall be substituted.
		7. In section 6A, in sub-section (2), for the figures "1200", the figures "3,000" shall be substituted.
		8. In section 8,—
		(1) in sub-section (2), for the figures "600", the figures "2,400" shall be substituted;
		(2) in sub-section (5A),—
		(a) for the figures "400", the figures "1,600" shall be substituted ;
		(b) for the words "postal charges", the words "postal and stationery charges" shall be substituted.
		9. In section 9,—
		(1) after the words "Deputy Speaker" occuring at two places, the words "Leader of the Opposition" shall be inserted;
		(2) in the marginal note, after the words "Deputy Speaker", the words "Leader of the Opposition" shall be inserted.
2. The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960 (Guj. III of 1960).		1. In section 3, for the figures "2500", the figures "4,500" shall be substituted.

1	2	3
---	---	---

2. In section 3A, for the figures "1000", the figures "3,500" shall be substituted.

3. In section 5, in sub-section (2), for the figures "1500", the figures "3,000" shall be substituted.

4. After section 6A, the following sections shall be inserted, namely :—

Free
transit by
railway.

"6AA. The Speaker and the Deputy Speaker shall be provided with facilities which shall entitle them at any time to travel by first class or by second class air conditioned by railway in any part of India in such manner and subject to such conditions as may by rules or orders be prescribed in that behalf :

Provided that such travel by railway in any part of India outside the State of Gujarat may be availed of by the Speaker or as the case may be, by the Deputy Speaker singly or jointly with his spouse and two other members of his family residing with and dependent on him, so however, that the total distance so travelled by the Speaker or, as the case may be, the Deputy Speaker singly in any year does not exceed 10,000 kilometres and the total distance so travelled jointly by the Speaker or, as the case may be, the Deputy Speaker and his spouse and two other members of his family residing with and dependent on him in any year does not exceed 20,000 kilometres.

Explanation.—For the purpose of calculating the number of kilometres travelled by the Speaker or, as the case may be, the Deputy Speaker jointly with his spouse and two other members of his family residing with and dependent on him, outside the State of Gujarat, the number of kilometres travelled by him and by his spouse and two other members of his family residing with and dependent on him shall be counted separately.

Free
transit
by air.

"6AB. The Speaker and the Deputy Speaker may undertake or perform journey along with co-traveller by air from the nearest airport from his residence to and fro in any part of India on three occasions in each year :

Provided that difference between the fare for journey by air and the fare for journey by railway by first class or by second class air conditioned, whichever is higher, shall be borne by the Speaker or, as the case may be, by the Deputy Speaker."

1

2

3

5. In section 6B,—

(1) in sub-section (1), for the words "a telephone installed", the words "telephone facilities" shall be substituted;

(2) in sub-section (2), for the words "telephone installed", the words "telephone facilities provided" shall be substituted.

6. In section 7A, for the figures "30,000", the figures "60,000" shall be substituted.

7. In section 10, for the figures "2300", the figures "4,500" shall be substituted.

8. In section 10A, for the figures "1000", the figures "3,500" shall be substituted.

9. In section 12A,—

(1) in sub-section (1), for the words "a telephone installed", the words "telephone facilities" shall be substituted;

(2) in sub-section (2), for the words "telephone installed", the words "telephone facilities provided" shall be substituted.

10. In section 12C, in sub-section (3), for the figures "1500", the figures "3,000" shall be substituted.

3. The Gujarat Ministers' Salaries and Allowances Act, 1960 (Guj. VI of 1960).

1. In section 3, for the figures "2500" and figures "2300", the figures "4,500" shall be substituted.

2. In section 3A, for the figures "1000", the figures "3,500" shall be substituted.

3. In section 5, in sub-section (2), for the figures "1500", the figures "3,000" shall be substituted.

4. In section 6, for the figures "2100", the figures "4,500" shall be substituted.

5. In section 6A, for the figures "1000", the figures "3,500" shall be substituted.

6. In section 8, in sub-section (2), for the figures "1500", the figures "3,000" shall be substituted.

7. After section 9A, the following sections shall be inserted, namely :—

1

2

3

Free
transit
by railway.

"9AA. Every Minister and Deputy Minister shall be provided with facilities which shall entitle them at any time to travel by first class or by second class air conditioned by railway in any part of India in such manner and subject to such conditions as may by rules or orders be prescribed in that behalf:

Provided that such travel by railway in any part of India outside the State of Gujarat may be availed of by a Minister or, as the case may be, a Deputy Minister singly or jointly with his spouse and two other members of his family residing with and dependent on him, so however, that the total distance so travelled by the Minister or, as the case may be, the Deputy Minister singly in any year does not exceed 10,000 kilometres and the total distance so travelled jointly by the Minister or, as the case may be, the Deputy Minister and his spouse and two other members of his family residing with and dependent on him in any year does not exceed 20,000 kilometres.

Explanation.—For the purpose of calculating the number of kilometres travelled by a Minister or, as the case may be, a Deputy Minister jointly with his spouse and two other members of his family residing with and dependent on him, outside the State of Gujarat, the number of kilometres travelled by him and by his spouse and two other members of his family residing with and dependent on him shall be counted separately.

Free transit
by air.

9AB. Every Minister and the Deputy Minister may undertake or perform journey alongwith co-traveller by air from the nearest airport from his residence to and fro in any part of India on three occasions in each year :

Provided that difference between the fare for journey by air and the fare for journey by railway by first class or by second class air conditioned, whichever is higher, shall be borne by the Minister or, as the case may be, the Deputy Minister."

8. In section 9B,—

(1) in sub-section (1), for the words "a telephone installed", the words "telephone facilities" shall be substituted;

1	2	3
		(2) in sub-section (2), for the words "a telephone installed", the words "telephone facilities provided" shall be substituted.
		9. In section 11, for the figures "75,000", the figures "1,50,000" shall be substituted.
4.	The Gujarat Legislative Assembly (Leader of the Opposition) Salaries and Allowances Act, 1979 (Guj. 16 of 1979).	<p>1. In section 3, for the figures "2500", the figures "4,500" shall be substituted.</p> <p>2. In section 3A, for the figures "1000", the figures "3,500" shall be substituted.</p> <p>3. In section 5, in sub-section (2), for the figures "1500", the figures "3,000" shall be substituted.</p> <p>4. In section 8, in sub-section (2), for the figures "200", the figures "500" shall be substituted.</p> <p>5. After section 8, the following section shall be inserted, namely :—</p> <p>Free transit by railway. "8A. The Leader of the opposition shall be provided with facilities which shall entitle him at any time to travel by first class or by second class airconditioned by railway in any part of India in such manner and subject to such conditions as may be rules or orders be prescribed in that behalf :</p> <p>Provided that such travel by railway in any part of India outside the State of Gujarat may be availed of by the Leader of the Opposition singly or jointly with his spouse and two other members of his family residing with and dependent on him, so however, that the total distance so travelled by the Leader of the opposition singly in any year does not exceed 10,000 kilometres and the total distance so travelled jointly by the leader of the Opposition and his spouse and two other members of his family residing with and dependent on him in any year does not exceed 20,000 kilometres.</p> <p><i>Explanation.</i>—For the purpose of calculating the number of kilometres travelled by the Leader of the Opposition jointly with his spouse and two other members of his family residing with and dependent on him, outside the State of Gujarat, the number of kilometres travelled by him and by his spouse and two other members of his family residing with and dependent on him shall be counted separately.</p>

1	2	3
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Free transit
by air.

8B. The Leader of the Opposition may undertake or perform journey alongwith co-traveller by air from the nearest airport from his residence to and fro in any part of India on three occasions in each year :

Provided that difference between the fare for journey by air and the fare for journey by railway by first class or by second class air conditioned, whichever is higher, shall be borne by the Leader of the Opposition."

STATEMENT OF OBJECTS AND REASONS

Salaries and allowances of the members of the Gujarat Legislative Assembly are not increased since 1992, inspite of the fact that thereafter there is rise in the cost of living and also in the telephone and postal charges. The Committee on Rules for the Member Allowances (Ninth Gujarat Legislative Assembly) has recommended to increase their salaries and allowances payable under the provisions of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960. It is, therefore, considered necessary to increase the amount of salary from Rs. 750/- to Rs. 1500/-, consolidated allowances from Rs. 750/- to Rs. 1500, the postal charges from Rs. 400/- to Rs. 1600/- per month and the amount towards telephone charges from Rs. 1200/- to Rs. 3000/- per month, the amount towards cost of services of Personal Assistant from Rs. 600/- to Rs. 2400/ per month and the amount of daily allowance from Rs. 100/- to Rs. 150/-.

Under the existing provisions of the said Act, a member is entitled to travel by railway by first class in the State of Gujarat. He is also entitled to travel by railway by first class in any part of India alone as well as with his spouse or any other member of his family upto the limit of 15,000 kilometres and if he travels alone he can travel not exceeding 7,500 kilometres. It is proposed to increase such limit from 7,500 to 10,000 kilometres and from 15,000 to 20,000 kilometres. It is also proposed to make them entitled to travel with his spouse and two other family members.

At present a member is provided one free non-transferable pass for travelling by Road Transport Service in any part of the State of Gujarat. Looking to the status of the member, it is proposed to entitle the members to travel on production of his identity card instead of production of pass.

It is proposed to entitle a member to travel alongwith the co-traveller by Air from the nearest Airport from his residence to and fro Delhi on three occasions in a year. However, difference between the fare for journey by railway first class or air-conditioned second class, whichever is higher, is to be borne by the member.

It is proposed to amend the said Act to provide accordingly.

Under the existing provisions of the relevant laws, the salary is payable of Rs. 2500/- to the Speaker, Minister and the Leader of Opposition, Rs. 2300/- to the Deputy Speaker and Minister of State, and Rs. 2100/- to the Deputy Minister. It is proposed to revise their salary to Rs. 4500/-. It is also proposed to increase the consolidated allowances payable to them from Rs. 1000/- to Rs. 3500/- and the conveyance allowances from Rs. 1500/- to Rs. 3000/-.

It is further proposed to entitle them to travel alongwith the co-traveller by Air to and fro in any part of India on three occasions in a year. However, they have to pay the difference between the fare for journey by air and fare for journey by railway by first class or by air-conditioned second class, whichever is higher.

It is also proposed to entitle them to travel in any part of India upto 20,000 kilometres with his spouse and two other family members by railway by first class or by air-conditioned second class.

The postal charges payable to the Leader of the Opposition is also proposed to be increased from Rs. 200/- to Rs. 500/-.

This Bill seeks to amend the laws relating to salaries and allowances of the Members, the Speaker and the Deputy Speaker of the Gujarat Legislative Assembly and also the Ministers and Leader of the Opposition in order to achieve the aforesaid objects.

SURESHCHANDRA MEHTA

FINANCIAL MEMORANDUM

The provisions of the Bill if enacted and brought into operation would involve an estimated annual expenditure of approximately Rs. 1,38,00,600/- from the Consolidated Fund of the State. The aforesaid annual expenditure would be of a recurring nature.

SURESHCHANDRA MEHTA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2.—(i) New section 6AA proposed to be inserted in the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960 empowers the State Government to make rules providing the manner and conditons on which the Speaker and Deputy Speaker may be provided facilities to travel by railway in any part of India.

(ii) New section 9AA proposed to be inserted in Gujarat Ministers' Salaries and Allowances Act, 1960 empowers the State Government to make the rules providing the manner and conditions on which the Ministers may be provided facilities to travel by railway in any part of India.

(iii) New section 8A proposed to be inserted in the Gujarat Legislative Assembly Leader of Opposition) Salary and Allowances Act, 1979 empowes the State Government to make the rules providing the manner and conditions on which the Speaker and Deputy Speaker may be provided facilities to travel by railway in any part of India.

Dated the 28th July, 1998.

SURESHCHANDRA MEHTA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 28th July, 1998.



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 28th July, 1998 by
Shri MAHENDRA MASHRU, M. L. A. is Published under Rule 127-A of the Gujarat
Legislative Assembly Rules for general information.

GUJARAT BILL NO. 32 OF 1998.

THE GUJARAT LEGISLATIVE ASSEMBLY MEMBERS' PENSION (REPEAL) BILL, 1998.

A BILL

to repeal the Gujarat Legislative Assembly Member's Pension Act, 1989.

It is hereby enacted in the Forty-Ninth year of the Republic of India as follows :

1. (1) This Act may be called the Gujarat Legislative Assembly Members' Pension (Repeal) Act, 1998.

Short title and
Commence-
ment.

(2) This Act shall be deemed to have come into force on the 8th August, 1989,
i. e. the date on which the Gujarat Act No. 18 of 1989 has come into force.

2. The Gujarat Legislative Assembly Members' Pension Act, 1989 (Gujarat
Act No. 18 of 1989) is hereby repealed.

Repeal of Gui-
18 of 1989.

STATEMENT OF OBJECTS AND REASONS

The Pension Act provides for giving pension to all Members of the Gujarat Legislative Assembly who have served as a Member for one or more terms. It does not make any exception and all Members are entitled to receive the pension irrespective of their financial condition. Members are joining public services on their own. Nobody is compelling them to join the public service and contest the election. Hence this bill.

Gandhinagar,
Dated 6th July, 1998.

MAHENDRA MASHRU,
M.L.A.

Gandhinagar,
Dated 28th July, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bill introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 28th July, 1998 by
 Shri DOLATBHAI PARMAR is published under rule 127-A of the Gujarat Legislative
 Assembly Rules for general information :—

GUJARAT BILL NO. 33 OF 1998.

**THE GUJARAT RESERVATION OF VACANCIES IN POSTS AND SERVICES
 (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) BILL, 1998.**

A BILL

*to provide for adequate representation of Scheduled Castes and Scheduled Tribes
 in posts and services under the State.*

It is hereby enacted in the Forty ninth year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Reservation of Vacancies in Posts
 and Services (for Scheduled Castes and Scheduled Tribes) Act, 1998.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notifi-
 cation in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "Prescribed" means prescribed by rules made under this Act,

Short
 title,
 extent
 and
 commen-
 cement:

 Defini-
 tions.

(b) "recruitment year" means the financial year during which a recruitment is actually made.

(c) "reservation" means reservation of vacancies in posts and services for the Scheduled Castes and Scheduled Tribes.

(d) "Scheduled Castes" shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 made under Article-341 of the Constitution of India and as amended from time to time.

(e) "Scheduled Tribes" shall have reference to the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India and as amended from time to time.

(f) "Select list" means the list of candidates arranged in order of precedence prepared according to the rules and orders issued by the State Government in that behalf and adopted by the competent authority or making appointment in respect of initial recruitment and promotions.

(g) "State" means the Government of the State of Gujarat.

Appli-
cability,

3. This Act shall apply to,—

(1) All appointments to the posts and services under the State except,—

(a) those meant for conducting or guiding or directing research;

(b) those classified as scientific posts;

(c) those filled up on the basis of any contract;

(d) ex-cadre posts;

(e) those which are filled up by transfer or deputation;

(f) such other posts as the State Government may, from time to time by order specify:

Provided that all orders made under clause (f) shall, as soon as after they are made, be laid before the State Legislature for not less than thirty days which may be comprised in one or more sessions,

(2) all appointments to the district level posts,

(3) all appointments in the Panchayats, Boards and Corporation constituted by the State Government.

(4) all appointments in institution aided by the State Government.

(5) all other appointments, which the State Government may specify from time to time.

Reserva-
tion and
the
percen-
tage
thereof.

4. (1) Except as otherwise provided in this Act, the vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall not be filled up by candidates not belonging to the Scheduled Castes and Scheduled Tribes.

(2) The reservation of vacancies in posts and services shall be at such percentage of the total number of vacancies as the State Government may, from time to time by order determine;

Provided that-

(a) in the case of initial recruitment the percentage so determined shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes as the case may be, in the total population of the State,

(b) in the case of initial recruitment the district level posts, the percentage so determined shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes as the case may be, in the total population of that district and in no case be less than the percentage of persons belonging to the Scheduled Castes or the Scheduled Tribes as the case may be, in the total population of the State.

(c) save as otherwise provided in this Act, in the case of appointment by way of promotions the percentage of reservation shall be such as is laid down in paragraphs (a) and (b).

Explanation.-The expression "population" means the population as ascertained at the last census for which the relevant figures have been published.

5. (1) The State Government shall prescribe model roster indicating the number of vacancies to be reserved for the Scheduled Castes and Scheduled Tribes and the number of vacancies to be left unreserved. Model Roster.

(2) The appointing authorities shall maintain roster in the prescribed form.

(3) The roster shall be consulted for ascertaining the number of reserved vacancies only but the appointment shall be made in accordance with the order of precedence as shown in the select list.

6. If, in any recruitment year, the number of candidates either from Scheduled Castes or Scheduled Tribes is less than the number of vacancies reserved for them the remaining vacancies may be filled up by general candidates after dereserving the vacancies in the prescribed manner, but the vacancies so dereserved shall be carried forward to the subsequent three years of recruitment. Carry forward of reservation and dereservation.

7. For initial appointments for the candidates belonging to Scheduled Castes and Scheduled Tribes.- Relaxation and concessions.

(a) the upper age-limit prescribed for recruitment shall be relaxed by five years.

(b) fee prescribed for application for any post shall be one fourth of what it is for others.

(c) travelling allowance to attend competitive written examination and oral interview shall be paid at such rates as may be prescribed by the State Government.

(d) percentage of passing the competitive and departmental examinations shall be relaxed by 5 percent.

8. (1) For recruitment through employment exchange the number of vacancies reserved for Scheduled Castes and Scheduled Tribes shall be specified in the requisition to be sent to the employment exchange against the total number of vacancies. Manner of initial recruitment.

(2) For recruitment to be made through the Gujarat Public Service Commission or any Selection Board on the basis of competitive examination or interview the advertisement shall specify the number of vacancies reserved for Scheduled Castes and Scheduled Tribes against the total number of vacancies.

(3) The Scheduled Castes and Scheduled Tribes candidates shall be recruited to the extent of the reserved vacancies if they possess the minimum qualifications required for the posts or services.

(4) If the required number of Scheduled Castes and Scheduled Tribes candidates are not available for filling up the reserved vacancies, a fresh recruitment shall be made only from candidates belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, for filling up the remaining reserved vacancies.

(5) If after making such fresh recruitment candidates belonging to the Scheduled Castes or Scheduled Tribes are still not available or if the number of such candidates is less than number of reserved vacancies, the vacancies which remain unfilled shall be filled up by general candidates in accordance with the procedure laid down in section 6.

(6) For district level posts if the candidates belonging to Scheduled Castes or Scheduled Tribes, as the case may be, are not available in the district employment exchange in sufficient number at the time of initial recruitment, the employment exchange of other districts where there is large population of Scheduled Castes or Scheduled Tribes, as the case may be, shall be consulted.

Promo-
tion
based on
seniority
cum-
fitness.

9. (1) Where promotion is to be made on the basis of seniority subject to fitness, the Scheduled Castes and Scheduled Tribes officers shall be promoted to the next higher post or grade against reserved vacancies provided they possess the minimum qualifications and experience required for such promotion.

(2) The number of reserved vacancies shall be determined on the basis of the reserved shown in the roster maintained under Section 5.

Promo-
tion-
based on
selection.

10. Where promotion is to be made on the basis of selection and the element of direct recruitment does not exceed fifty percent, the procedure for filling up of the reserved vacancies shall be such as may be prescribed and the number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under Section 5.

Selection
from
different
services.

11. Where selection is to be made from different services the recruitment or appointing authority shall select Scheduled Castes and Scheduled Tribes candidates to the extent of reserved quota, provided such candidates satisfy the minimum conditions of suitability, qualification and experience laid down in respect of the post concerned.

Submi-
ssion of
Annual
Report,
Mainte-
nance of
other
records
and
inspec-
tion
thereof.

12. (1) Every appointing authority shall furnish to the State Government annual report in the prescribed manner by the end of the month of June of the succeeding financial year and maintain such other records as may be prescribed.

(2) Any officer authorised by the State Government in that behalf may inspect any record or documents and require the appointing authority to produce the roster and other records relating to appointments made by it and which are maintained in its office.

(3) It shall be the duty of the appointing authority to produce such records and documents, furnish such information and afford all such assistance and facilities as may be necessary for the aforesaid purpose.

Nomina-
tion of
Liaison
Officer.

13. In each department of the State Government an officer not below the rank of an Under Secretary authorised by the Secretary of the department in that behalf shall act as Liaison Officer in respect of the matter provided in this Act who shall be specially responsible for-

(a) ensuring proper implementation of the provisions of this Act and the rules made thereunder,

(b) ensuring compliance by the subordinate authorities.

(c) ensuring timely submission of returns.

(d) conducting annual inspections of rosters and such other record as may be prescribed.

(e) acting as Liaison Officer between the administrative department and the Social Welfare Department.

(f) ensuring necessary assistance to the Social Welfare Department in the investigation of complaints received from individuals or organisations belonging to Scheduled Castes and Scheduled Tribes.

14. (1) There shall be a Standing Committee consisting of the following members, namely:—

Constitution of Standing Committee.

(a) The Minister for Social Welfare—Chairman.

(b) Three members of the Gujarat Legislative Assembly to be elected in such manner as may be determined by the Speaker of the Gujarat Legislative Assembly—Members.

(c) The Chief Secretary to Government—Member.

(d) The Secretary to Government, Home Department—Member.

(e) The Secretary to Government, Social Welfare Department—Member Secretary.

Provided that on issue of a proclamation under Article 356 of the Constitution of India the composition of the committee may be altered by the State Government to such extent as it may deem fit.

15. (1) The Committee shall meet at least thrice a year and the period between any two meetings shall not be more than six months.

Functions of the standing committee.

(2) The Committee shall perform the following functions, namely:—

(i) review of the implementation of the provisions of this Act and rules made thereunder,

(ii) suggest measures for the removal of difficulties in such implementation of for the improvement thereof and

(iii) such other functions as the State Government may from time to time assign to the Committee.

16. The State Government shall prepare an annual report on the working of the Act and lay the same before the State Legislature for a period of not less than fifteen days in the Budget Session of the succeeding financial year.

Annual Report.

17. Legal aid shall be made available by the State Government at the prescribed rates to the employees belonging to Scheduled Castes and Scheduled Tribes in cases of their grievances.

Legal aid.

18. (1) The State Government may, by notification in the Official Gazette (after previous publication), make rules to carry out all or any of the purposes of this Act.

Rule making power.

(2) In particular and without prejudice to the generality of the foregoing powers, they may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this Act, shall, as soon as may be, after they are made, be laid before the State Legislature for not less than thirty days which may be comprised in one or more sessions and if during the said period, the State Legislature makes any modifications therein, the rules shall thereafter have effect only in such modified form so however that such modifications shall be without prejudice to the validity of any thing previously done under the rules.

19. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law or in any rule, order or resolution made by the State Government.

Overriding effect of the Act.

STATEMENT OF OBJECTS AND REASONS.

According to Constitutional provisions, the State Government have made several administrative orders for implementation of policy of reservation for Scheduled Castes and Scheduled Tribes. But due to lack of effective control the provisions of such administrative order could not be strictly implemented and the employees belonging to Scheduled Castes and Scheduled Tribes have to face injustice many a time. This Bill, therefore, provides for the effective implementation of the policy.

Gandhinagar,
Dated the 6th July, 1998.

DOLATBHAI PARMAR,
M.L.A.

FINANCIAL MEMORANDUM

Clause 14 of the Bill requires the State Government to constitute standing committee and Clause 15 requires atleast three meeting to be held in a year, Clause 17 requires the State Government to make available legal aids to employees belonging to Scheduled Castes and Scheduled Tribes at the prescribed rates. It is estimated that the expenditure to be involved from the Consolidated Fund of the State in regard to above provisions would be about rupees two lakhs per annum.

Gandhinagar,
Dated the 6th July, 1998.

DOLATBHAI PARMAR,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of Clause 1, empowers the State Government to appoint by notification in the Official Gazette the date on which the Act shall come into force.

Paragraph (f) of sub-clause (1) of clause 3 empowers the State Government to specify by order posts other than those specified in the sub-clause.

Sub-clause (2) of clause 3 empowers the State Government to specify from time to time appointments other than those specified in the preceding sub-clauses.

Sub-clause (2) of clause 4 empowers the State Government to determine the percentage of reservation of vacancies in posts and services.

Sub-clause (1) of Clause 5 empowers the State Government to prescribe model roster.

Sub-clause (2) of Clause 5 empowers the State Government to prescribe form for maintaining roster.

Clause 6 empowers the State Government to prescribe manner for filling up reserved vacancies by general candidates in case the number of candidates from Schedule Castes and Scheduled Tribes is less than the number of vacancies reserved for them.

Paragraph (c) of clause 7 empowers the State Government to prescribed rates of travelling allowance to be paid to the candidates belonging to the Scheduled Castes and Scheduled Tribes for attending competitive examination or oral interviews.

Clause 10 of the Bill empowers the State Government to prescribed procedure for filling up the reserved vacancies where promotion is to be made on the basis of selection and the element of direct recruitment does not exceed fifty percent.

Sub-clause (1) of clause 12 empowers the State Government to prescribe a manner for furnishing annual report to the State Government and to maintain other records.

Paragraph (d) of clause 13 empowers the State Government to prescribed other records the liaison Officer shall be responsible for conducting annual inspection.

Paragraph (b) of clause 14 empowers the Speaker of the Gujarat Legislative Assembly to determine manner for electing members of the Assembly on the Standing Committee.

The proviso to clause 14 empowers the State Government to alter the composition of the Standing Committee on issue of proclamation under Article 356 of the Constitution to such extent as it may deem fit.

Paragraph (iii) of sub-clause (2) of clause 15 empowers the State Government to assign to the Standing Committee other functions from time to time.

Clause 17 of the Bill empowers the State Government to prescribed rates for making available legal aid to the employees belonging to the Scheduled Castes and Scheduled Tribes.

Sub-clause (1) of clause 18 empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is essential and of normal character.

Gandhinagar,
Dated the 6th July, 1998.

DOLATBHAI PARMAR,
M.L.A.

Gandhinagar,
Dated the 28th July, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 28th July, 1998 by Shri DOLATBHAI PARMAR is published under rule 127-A of the Gujarat Legislative Assembly Rules, for general information :—

GUJARAT BILL NO. 34 OF 1998.

THE GUJARAT PREVENTION OF SOCIAL DISABILITIES BILL, 1998.

A BILL

to prevent the imposition of Social disabilities by a member or members of a community on a member or members of his or their own community; to provide for penalties for such an act or acts and for matters connected therewith.

WHEREAS, it has come to the notice that the practice of imposing social disabilities prevails in certain communities, which amongst other things deprives their members of the rights and privileges to which they are entitled by reason of birth or otherwise and which results flagrant violation of their fundamental rights as citizens of this country;

AND, WHEREAS, in keeping with the spirit of social change and democratic set up of our country and in the larger public interest, it is expedient to prevent the imposition of such social disabilities and to provide penalties for such an act or acts and for matters connected therewith;

It is hereby enacted in the Forty-ninth year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Prevention of Social Disabilities Act, 1998.

Short
title,
extent
and
commence-
ment.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

**Defini-
tions.**

2. In this Act, unless the context otherwise requires,—

(a) "community" means a group of members who are connected together by birth, conversion or performance of religious rites or ceremonies or who belong to the same religion or religious creed and includes a caste or sub-caste;

(b) "member" means a person whether male or female, who is a member of any community;

(c) "police officer" means any member of the Police Force appointed or deemed to be appointed as such under the Bombay Police Act 1951.

Bom.
XXII
of
1951.

**Imposi-
tion
of
social
disabi-
lities.**

3. Any member who commits any of the following act or acts shall be deemed to have imposed social disability on a member of his community—

(a) if he denies, prevents or obstructs or causes to deny, prevent or obstruct any member of his own community from having access to or from using any place of worship or prayers or any place intended to be used for performing any religious ceremony or rite, prevalent or practised in his community;

(b) if he prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or from using any place which is established or maintained wholly or partly by his own community for use or intended to be used for a charitable, religious or public purpose and which is normally available for use or intended to be used by any member of his own community;

(c) if he prevents or obstructs or causes to prevent or obstruct any member of his community from enjoying any benefit under a Charitable Trust or a Wakf created for the benefit of his community;

(d) if he prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or using the facilities of any school, educational institution, medical institution, community hall, club hall, cemetery, burial ground or any other place used by or intended to be used for the benefit of his community;

(e) if he prevents or obstructs or causes to prevent or obstruct any member of this community from observing any social or religious custom or usage or ceremony or from taking a part in a social or religious function, congregation, assembly, meeting or procession;

(f) if he prevents or obstructs or causes to prevent or obstruct any member of this community from establishing or maintaining such social, professional or business relations as he would ordinarily establish or maintain with other members of his community;

(g) if he incites, provokes or encourages any member of his community, directly or indirectly to sever social, religious, professional or business relations with any other member or members of his community;

(h) if he refuses or denies or causes to refuse or deny to any member of his community the right to perform such marriage, funeral or other religious ceremonies and rites as the member of his own community usually and ordinarily perform;

(i) if he prevents or obstructs or causes to prevent or obstruct any member of his community from entering, lodging in or otherwise using any Dharmshala, Sarai or Musafarkhana which is ordinarily open to members of his community; or

(j) if he prevents or obstructs or causes to prevent or obstruct any member of his community from entering or using any place of worship such as Temple, Mosque, Church, Gurudwara or any cemetery crematorium or burial ground which is ordinarily open to members of his community.

4. (1) Whoever imposes any social disability on any member of his community shall, on conviction, be punished with imprisonment of either description which may extend to six months or with fine which may extend to one thousand rupees or with both.

Penal-
ties.

(2) Whoever aids or abets in the commission of any offence punishable under this Act or connives at the commission of any such offence or harbours any offender or destroys any evidence shall, on conviction, be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

II of
1974.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act—

Offences
under
this
Act
to be
cogni-
zable
and
compo-
undable.

(a) shall be cognizable; and

(b) may, with the permission of the court be compoundable.

6. (1) A Police Officer may if he has reasonable ground to believe an offence under this act has been committed or likely to be committed by any person; then he may—

Police
Officers
to take
action in
cases
of
imposi-
tion
social
disabili-
ties.

(a) remove or cause to be removed, any barricade or obstruction created, placed or found in any place, if such barricade or obstruction was so erected or placed in order to be used for the purpose of committing any offence under this Act; or—

(b) open or cause to be opened any gate or door, if such a gate or door was closed for the purpose of committing an offence under this Act.

(2) Whenever any police Officer has reasonable ground to believe that any person is likely to commit an offence under this Act, he may arrest such person without a warrant and deliver him into the custody of the officer-in-charge, of a Police Station who may either release the person arrested on his executing a bond with or without surety for his appearance in a Magistrate's court or take or cause to be taken the person arrested before a Magistrate within Twenty-four hours after the arrest.

II of
1974.

(3) When a person appears before a Magistrate in compliance with a bond executed by him under sub-section (2) or is brought before a Magistrate, he may require such person to show cause why he should not be ordered to execute a bond with or without sureties for his good behaviour for such period for not exceeding three years as the Magistrate may think fit. If, after due inquiry, the Magistrate is satisfied that such person should execute a bond with or without sureties, the Magistrate shall make an order accordingly and the provisions of Section 107 and Sections 112 to 123 (both inclusive) of the Code of Criminal Procedure, 1973, shall apply to or in relation to all orders to furnish security made under this sub-section.

STATEMENT OF OBJECTS AND REASONS

The out dated and unconstitutional practices such as untouchability, boycotts, etc, are still practised in various communities in the State resulting in great harrassment to individuals or groups. The harrassment so caused, naturally affects the social life of community. It is, therefore, necessary to root-out these evils by putting a step to the imposition of the various social disabilities. The objective can be achieved by enacting a suitable legislation for the purpose and also for providing punishment to those who indulge in such evil practices.

Hence this Bill.

Gandhinagar.

DOLATBHAI PARMAR,
M.L.A.

Dated the 10th July, 1998.

Gandhinagar,
Dated the 28th July, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



The Gujarat Government Gazette EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 28th July, 1998 by
Shri DOLATBHAI PARMAR M.L.A. is Published under Rule 127-A of the
Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 35 OF 1998.

THE GUJARAT DECLARATION OF ASSETS OF THE MEMBERS OF THE GUJARAT LEGISLATIVE ASSEMBLY BILL, 1998.

A BILL

*to provide for the declaration of Assets of Members of Gujarat Legislative
Assembly and certain other matters connected therewith.*

WHEREAS, it is expedient to provide for the declaration of assets of the
Members of the Gujarat Legislative Assembly and certain other matters as
hereinafter appearing.

It is hereby enacted in the Forty-ninth Year of the Republic of India as
follows:—

1. (1) This Act may be called the Gujarat Declaration of Assets of the
Members of the Gujarat Legislative Assembly Act, 1998.

Short title
and commence-
ment.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Assembly" means the Legislative Assembly of the State of Gujarat.

(b) "Member" means a member of the Assembly and includes the Chief Minister, Deputy Chief Minister, Minister, Minister of State, Deputy Minister, Parliamentary Secretary and Deputy Speaker but does not include Speaker.

(c) "member of his family" means husband, wife, minor son, major son who is residing with the member, daughter-in-law who is residing with him, unmarried daughter, married daughter who is staying with him, son-in-law who is staying with him and father, mother, sister, brother or cousin who is staying with the member.

(d) "prescribed" means prescribed by rules.

(e) "property" means and includes any property situate in India or abroad, both movable and immovable.

Explanation (1).—The expression "movable property" includes—

(a) jewellery, insurance policies, shares, securities and debentures ;

(b) deposits in banks or with private firms or individuals ;

(c) loans advanced whether secured or not ;

(d) motor cars, motor cycles ;

(e) refrigerators, radio-sets and radiograms ;

(f) any permit or licence issued by or under the authority of the State or Central Government or any Corporation for the conduct of any business involving production or distribution or sale or agency of any commodity and transport of goods or passengers; and

(g) cash in hand.

Explanation (2).—The expression "immovable property" means and includes—

(a) buildings, lands, gardens; and

(b) permanent fixtures like machineries ;

(f) "Secretary" means the Secretary to the Assembly and includes any person for the time being performing the duties of the Secretary;

(g) "Speaker" means the Speaker of the Assembly.

3. (1) Every member shall, on his election to the Assembly and thereafter Return.
at the intervals of every twelve months ending with the third year after
ceasing to be a Member, submit to the Speaker of the Assembly a return in
such form as may be prescribed by the State Government showing all property
owned, acquired or inherited by him or held by him on lease or mortgage either
in his own name or in the name of any Member of his family or in the name
of any other person together with details of the means by which or the sources
from which such property was acquired.

(2) The return shall be submitted within such time as may be prescribed.

4. If any member wilfully fails to furnish a return under this Act, within
the time prescribed, he shall be punishable with imprisonment of either
description which shall extend to two years. Penalty for not
furnishing
return.

5. The return submitted by the Member shall be certified by him to be
correct and if the Member has furnished a return which he knows or has reason
to believe to be false, he shall be punishable under the provisions of section
193 of India a Penal Code. Penalty for fur-
nishing false
return.

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of
1860

6. The returns submitted by the Members shall be placed on the Table of
the Assembly. Placing of
returns on the
Table of the
House.

7. The returns submitted by the Members under section 3 shall be a public
document and copies of the returns may be issued by the Secretary under the
authority of the Speaker to any person applying for the same on such condi-
tions as may be prescribed. Returns to be
public docu-
ments.

8. No court inferior to that of a District Court shall try an offence under this
Act. Cognizance of
offence.

9. (1) The State Government may, by notification in the Official Gazette
and subject to the condition of previous publication make rules to carry out
the purposes of this Act. Power to make
rules.

(2) In particular and without prejudice to the generality of the foregoing
power, such rules may provide for all or any of the following matters, namely:-

- (a) the form of return and the manner, and time of submission of the same;
- (b) the manner of obtaining copies of the return; and
- (c) the mode of prosecution of the offenders under the Act.

(3) Every rule made under this section shall be laid, as soon as, may be
after it is made before the Legislative Assembly while it is in session for a
total period of thirty days which may be comprised in one session or in two
successive sessions and if before the expiry of the session in which it is so
laid or the session immediately following, the Legislative Assembly agree in
making any modification in the rule or the Legislative Assembly agree that
the rule should not be made and notify such decision in the Official Gazette,
the rule shall from the date of publication of such notification have effect only
in such modified form or be of no effect as the case may be, so, however that
any such modification or annulment shall be without prejudice to the validity
of anything previously done or omitted to be done under that rule.

STATEMENT OF OBJECTS AND REASONS

The members of the Legislature who are representatives of the people in the State should not allow suspicion to be created that they are indulging in corrupt practices, misusing their offices, and multiplying their assets. It is felt necessary that the members should prove themselves that they hold office as a member for the betterment of the toiling masses and not for their personal benefit. So as to achieve this object, almost all the political parties have accepted that members of the Legislature should declare their assets; such declaration must be made to the Speaker and same must be a public document so that copy of the same can be obtained by any person. Such returns should also be placed on the Table of the Assembly. There is a convention that members of the Cabinet should declare their assets to the Chief Minister, but this provision is not statutory and the returns filed by Minister are not public documents. Moreover, there is nothing about the return to be filed by Chief Minister.

The Bill is a step towards clearing of the public life in the State.

Gandhinagar,
Dated the 10th July, 1998.

DOLATBHAI PARMAR
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves proposals for the delegation of Legislative powers as follows :—

Clause 3.—This clause empowers the State Government to prescribe the form of the return to be submitted by the member and the time within which it should be submitted.

Clause 7.—Under this clause State Government is empowered to prescribe conditions for the issue of the copies of the returns of the assets of the member to the applicants.

Clause 9.—Under this clause State Government is empowered to make rules for carrying out all or any of the purposes of this Act.

These proposals for delegation of Legislative powers are of normal character.

Gandhinagar.

Dated the 10th July, 1998.

DOLATBHAI PARMAR
M.L.A.

Gandhinagar,

Dated the 28th July, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bill introduced in the Gujarat Legislative Assembly.

The following bill which was introduced on the 28th July, 1998 by Shri MANGALBHAI PATEL M.L.A. is Published under Rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 36 OF 1998.

THE GUJARAT PANCHAYATS (AMENDMENT) BILL, 1998.

A BILL

further to amend the Gujarat Panchayats Act, 1993.

It is here by enacted in the forty ninth year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Panchayats (Amendment) Act, 1998.
- (2) It shall come into force at once.

Short
title
and
Commencement.

Guj. 18
of 1993.

2. In the Gujarat Panchayats Act, 1993 (herein after referred to as "the principal Act"), in section 2, after sub-section (33) the following new sub-section shall be inserted, namely :—

Amendment of
Section 2
of Guj.
18 of
1993.

"(34) The Panchayat member means a member duly elected as a member of a Panchayat and includes a Sarpanch of a Gram Panchayat".

Guj. 18
of 1993.

3. In the principal Act, in section 9, in sub-section (5), in clause (a), after sub-clause (i), the following new Proviso shall be added, namely :—

Amendment of
Section
9 of Guj.
18 of 1993.

"Provided further that atleast one seat shall be reserved for the Scheduled Caste and the Scheduled Tribe by rotation by the Election Commission without taking into consideration the Percentage of the population of the Scheduled castes or Scheduled Tribes if there is any population of the Scheduled Castes or the Scheduled Tribes at the time of election".

Amend-
ment of
Section
10 of Guj.
18 of
1993.

4. In the principal Act, in Section-10 after sub-section (1), the following new sub-section shall be inserted, namely :—

"(1-A) A taluka panchayat shall consist of one-fifth number of total Sarpanchas in the taluka as Ex-office members. The Election Commission shall every year determine, by rotation, the respective Sarpanchas to be The Ex-office members of the taluka panchayat".

Amend-
ment of
Section
11 of Guj.
18 of 1993

5. In the principal Act, in section-11, after sub-section (1), the following new sub-section shall be inserted, namely :—

"(1-A) The District Panchayat shall consist of the Presidents of all the taluka panchayats in the district as Ex-officio members of the district panchayat".

Amend-
ment of
Section
55 of Guj.
18 of
1993.

6. In the principal Act, in section 55, (1) in sub-section (2), in clause (a), in sub-clause (III), for the words, "upto fifty rupees", the words, "as may be determined by the village panchayat by a resolution" shall be substituted.

(2) To sub-section (4), the following new proviso shall be inserted, namely :

"Provided further that the panchayat may, by a resolution, authorise any other member of the panchayat to operate bank accounts on behalf of the Sarpanch if the Sarpanch blind or disabled".

Amend-
ment of
Section
61 of
Guj. 18
of 1993.

7. In the principal Act, in section 61, to sub-section (1), the following new proviso shall be added, namely :—

"Provided further that if any vacancy in the office of a sarpanch and upa-sarpanch occurs at the same time the office of the sarpanch shall be filled in by an acting sarpanch untill the sarpanch is duly elected".

Amend-
ment of
Section
92 of
Guj. 18
of 1993.

8. In the principal Act, in section 92, in sub-section (4), for the words, "with the previous approval of the state Government," the words, "with the previous approval of the district panchayat" shall be substituted.

Amend-
ment of
Section
100 of
Guj. 18
of 1993.

9. In the principal Act, in section 100, in the proviso to sub-section (3), for the words, "the panchayat shall not incur expenditure exceeding one hundred rupees," the words, "the panchayat shall incur such expenditure as may be determined by the panchayat, by a resolution", shall be substituted.

Amend-
ment of
Section
114 of
Guj. 18
of 1993.

10. In the principal Act, in section 114, after sub-section (3), the following new sub-section shall be inserted namely:—

"(4) The secretary shall bring to the notice of the panchayat the cases of encroachments and the violation of the by-rules".

11. In the principal Act, in section 123, in sub-section (2), for the words, "with the previous approval of the State Government", the words, "with the previous approval of the District Panchayat" shall be substituted :—

Amendment of Section 123 of the Guj. 18 of 1993.

12. In the Principal Act, in Section 145, in sub-section (2), the words, "with the prior approval of the State Government" shall be deleted.

Amendment of Section 145 of Guj. 18 of 1993.

13. In the principal Act, in section 162, in sub-section (4), the words, "and shall pass all orders as per the concurrence and instruction of District Panchayat President", shall be added at the end.

Amendment of Section 162 of Guj. 18 of 1993.

14. In the principal Act, in section 200, after sub-section (8), the following new sub-section shall be added, namely:—

"(9) A levy of tax or fee by a Panchayat shall not be withdrawn without following the procedure as may be prescribed by the village Panchayat".

Amendment of Section 200 of Guj. 18 of 1993.

15. In the principal Act, in section 241, (1) in sub-section (2), for the words "by such authority as may be prescribed by rules in that behalf", the words, "by panchayat General Body" shall be substituted.

Amendment of Section 241 of Guj. 18 of 1993.

(2) in sub-section (3)

(i) the words, "subject to such exceptions as may be prescribed" shall be deleted.

(ii) for the words "by such authority as may be prescribed" the words "by panchayat general body" shall be substituted.

16. In the principal Act, in section 266, in sub-section (1), in clause (iii), the words, "and President of Gujarat Pradesh Panchayat Parishad", shall be added at the end,

Amendment of Section 266 of Guj. 18 of 1993.

STATEMENT OF OBJECTS AND REASONS

On enactment of the Constitution (73rd Amendment) Act, 1992 the panchayats have acquired constitutional Status and they are now "TISRI SARKAR". The Gujarat Panch yats Act, 1993 requires to be amended in view of the Provisions of Article 243 of the Constitution of India. The Gujarat Panch yats Act, 1993 which was hurriedly drafted and hurriedly enacted in 1993 contains several omissions and requires certain amendments.

Hence this Bill.

Gandhinagar.

Dt. 7th July, 1998.

Pro. Mangalbhai Patel,
M.L.A.

Gandhinagar,
Dated 28th July, 1998.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.